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THE

COLONIAL RECORDS

OF

NORTH CAROLINA

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COLLECTED AND EDITED

BY

WILLIAM L. SAUNDERS

SECRETARY OF STATE

VOL. I—1662 TO 1712

RALEIGH

P. M. HALE, PRINTER TO THE STATE

1886

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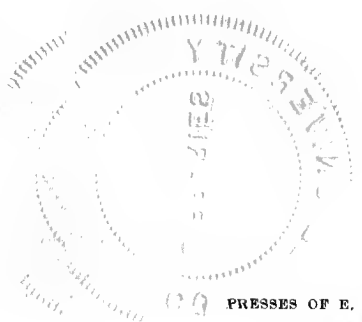

PRESSES OF E. M. UZZELL,
RALEIGH, N. C.

PREFACE.

The Records, Documents, &c., entitled *The Colonial Records of North Carolina*, were prepared for publication under the direction of the Trustees of the State Library, and consist almost entirely of transcripts of records, &c., in the offices of the Secretary of State, at Raleigh, and of those in the British Public Record Office in London.

The incompleteness of the records in the Secretary's office in this State is scarcely credible and at a very early day turned attention to those in London. Of the first fifty years, indeed, no original records scarcely remain in North Carolina except some court records, a few grants, and perhaps a few other papers of no great importance. The records of proceedings of Governor and Council go no further back than 1712, though there were Governors as far back as 1664. The records of Assembly go back only to 1754, with the exception of a mutilated copy of the Journal of the Assembly that met at the house of Capt. John Heckle-field in 1715. There were Legislatures as far back certainly as 1665.

The first search made in London for information in regard to North Carolina affairs was doubtless that made by the historian George Chalmers, who, in 1780, published his *Political Annals of the Present United Colonies*, the fruit of his labors in the British Record Office, to which the official position he held gave him access. This volume has been the standard authority with all later Carolina historians. Its general accuracy as to matters of fact is by no means perfect, and Mr. Chalmers's bitter prejudices as a Loyalist render his conclusions utterly unreliable.

At a later date, the historian Williamson, who desired copies of certain papers in London relating to Carolina, hoped that Mr. Chalmers would furnish him therewith or assist him in obtaining them. Mr. Chalmers would do neither, and threatened to interfere if application should be made to the head of the proper department. In this connection, it must be borne in mind that access to the records in the British offices could not be had without special permission until a comparatively modern period.

But how to account for the utter absence of records in North Carolina? There could have been no inducement to their destruction, and it follows, therefore, that we must look to natural causes, the want of towns and the consequent lack of known and suitable buildings used as depositories for public records. Experience proves that the most valuable documents, unless put away in such muniment rooms, soon disappear and are lost.

The incompleteness of the records in North Carolina continued to be more and more felt until it was determined to perfect them as far as possible.

As early as February 9th, 1827, Mr. John Scott, representing the town of Hillsboro in the House of Commons, moved the following resolutions, which were adopted, sent to the Senate, and on the next day there also passed, so far as the records show, without a moment's hesitation or the slightest opposition:

"*Resolved by the Senate and House of Commons of the General Assembly of North Carolina*, That his Excellency the Governor of the State be requested to make a respectful application to the British Government for liberty to procure for the use of the State from the office of the Board of Trade and Plantations in London, copies of such papers and documents as relate to the colonial history of North Carolina.

"*Resolved further*, That the application aforesaid be made through the American Minister in London, and that he be requested to lend his aid

to carry the foregoing resolution into effect, and obtain for the agent who may be employed in this service the necessary facilities for procuring such copies."

Under this resolution, Governor Burton wrote to the Hon. Albert Gallatin, then American Minister in London, on the subject. Mr. Gallatin after formal correspondence with the British Government obtained, and under date of 25th of August, 1827, forwarded to Governor Burton a list of papers relating to the colonial history of North Carolina then on file in the public offices in London.

The documents themselves, however, were not copied, for the reason that it was supposed the entire collection would be obtained by Mr. Peter Force and printed in the *American Archives*. Finally, disappointed in this expectation, the list itself was printed in 1843 by order of the Legislature.

In 1849 the Legislature authorized the Governor to procure from the public offices in London such documents as were worthy of preservation, to be placed in the archives of the State.

In 1855 the Legislature authorized the Governor to appoint an agent to procure these documents, and, in case he found it necessary, to visit London for the purpose.

In 1857 the Legislature renewed and continued this authority in the Governor. At the time, however, that Hon. David L. Swain, who had been appointed agent, was ready to begin the work, the relations between Great Britain and the United States were so unfriendly that the Hon. James C. Dobbin, then Secretary of the Navy, advised him it was an inauspicious time to ask favors of British officials. This delayed the work. Why this effort finally failed is not known.

In 1859 the Legislature authorized the Governor to make an arrangement with Rev. Dr. Francis L. Hawks and Hon. David L. Swain to edit and publish two volumes of the documentary history of North Carolina.

In 1861, as if in view of the coming war and its possibilities, the Legislature, putting out of sight for the first time the archives in London, determined to make sure of what it had at home, and directed the principal records in the Secretary's office to be printed. But it was too late.

In 1881 the Legislature passed a resolution, moved and advocated by Hon. Theodore F. Davidson, Senator from the 40th District, now Attorney-General, directing the Trustees of the Libraries (the Governor, the Secretary of State, and the Superintendent of Public Instruction, being *ex officio* the Trustees) to publish the records and documents then here.

In 1883 the Trustees of the Libraries, reporting progress to the Legislature, under the Act of 1881, announced that the gaps in the records here were so many and so great that they had determined to print nothing until an appeal had been made to the Legislature for authority and assistance to procure from London the lacking documents.

In response to this appeal, the Legislature passed a resolution authorizing the Trustees of the Library to procure the missing documents, Colonel Samuel McDowell Tate, member of the House of Representatives from the county of Burke, and Hon. James L. Robinson, Lieutenant-Governor and President of the Senate, being especially instrumental in securing its adoption.

The first step taken under the resolution was to secure the services of Mr. W. Noel Sainsbury, of the British Record Office, honorary member of the New England, New York, Maryland, Pennsylvania, South Carolina, Virginia and other Historical Societies, editor of *Calendar of* [British] *State Papers, Colonial Series*, &c., &c.

To the historical student, Mr. Sainsbury needs no introduction. For the information of others, however, it may, perhaps, be well enough to state that Mr. Bancroft writes that Mr. Sainsbury is "a veteran in the State Paper, now Record Office, of Great Britain. I have known him for nearly forty years; have employed him very frequently during that time, and have always found him intelligent, accurate, and in every way trustworthy. My own collection of documents is full of copies of State Papers which he has made for me. Having been so long in service, and so much appealed to by American scholars, he has become thoroughly familiar with the subject, as may be seen from his Colonial Series of State Papers reaching from 1574 to 1668."

With such commendation from such a source, every one may feel assured that Mr. Sainsbury has done his part intelligently, faithfully and thoroughly. His instructions were to do the work so thoroughly and so exhaustively that there would never be need or desire for it to be done over again, and it is believed that we now have copies of all North Carolina colonial papers in the British Public Record Office.

Upon the undersigned, the execution of the task imposed by the Legislature was devolved by his co-trustees, the Public Records here being in his custody, and the duties of his office requiring him as far as possible to have a familiar knowledge of their contents. How he has performed the task thus assigned to him, it is not for him to determine. He can only say, that for near seven years he has devoted himself to it, and that he has done the very best he could, without reward, or the hope of reward, and solely because of the love he bears North Carolina and her people.

It is but simple justice to add that the work could not have been begun even without the hearty and cordial coöperation of Governor Jarvis and Hon. John C. Scarborough, Superintendent of Public Instruction, who were his co-trustees at the time of its inception, and that it could not for

a moment have been continued without the equally efficient and cordial coöperation of their successors in office, Governor Scales, and Hon. Sidney M. Finger, the present Superintendent of Public Instruction.

Thanks for services rendered are especially due to Major Graham Daves, then residing in South Carolina, Hon. S. F. Phillips, of Washington City, Capt. S. A. Ashe, Rev. Jos. Blount Cheshire, Jr., Rev. F. M. Hubbard, D. D., Prof. W. J. Rivers, formerly of South Carolina, now of Maryland, and the Rt. Rev. William Stevens Perry, L.L. D., Bishop of Iowa, the Historiographer of the Protestant Episcopal Church in America.

For the very handsome make-up of the volumes, and for help, assistance and encouragement, in every way, the undersigned makes especial and personal acknowledgment to his friend Peter M. Hale, the Public Printer.

Finally, the undersigned feels it to be a matter of conscience to say also, that to the influence of the late ex-Governor Henry T. Clark, and to that of his old preceptor, the late ex-Governor David L. Swain, so long President of the University of the State, he is indebted for the cultivation of a taste that has made bearable the years of sheer drudgery absolutely necessary to the preparation for publication of THE COLONIAL RECORDS OF NORTH CAROLINA.

W. L. Saunders,
Secretary of State.

RALEIGH, 1886.

PREFATORY NOTES TO FIRST VOLUME.

The first permanent white settlement in North Carolina was made, it may be safely said, to the eastward of the Chowan River, extending in time down to and along Albemarle Sound. Neither its date nor its locality may now be fixed with absolute certainty, but it began, doubtless, before 1660, and probably as early as 1650.

The grant to Roger Green, "clarke," in 1653, to be located on the Roanoke River and the south or west side of the Chowan River, as a reward for inducing settlements to be made there, and the absence of such grants on the north or east side, indicate that settlements had progressed on that side without the aid of such inducements.

The earliest grant made in North Carolina, of which we have a copy, is now of record in Perquimans county, and was made by the King of the Yeopim Indians on the 1st March, 1662, to George Durant, for a tract of land then called Wecocomicke, lying on the Perquimans River and "Roenoke Sound." The place is now known as Durant's Neck. There was a purchase before that from the King of the Yeopims, for the grant to Durant recites that Wecocomicke adjoined to the eastward the land the King had formerly sold to Samuel Pricklove, but there is neither record nor copy of any grant to Pricklove. There were still other such purchases, for in 1662 purchases made directly from the Indians, it was said, had come to be such an evil in the sight of the government that it was resolved no longer to recognize them. There were purchasers, too, who held their lands under grants from the Governor of Virginia. Indeed, the Assembly, in an address in 1731, asserts that there were so many persons holding lands in Albemarle under Virginia grants prior to March, 1663, that a saving clause in their favor was put in the charter of that date by King Charles. There is certainly a saving clause in the fourth section of the first charter. The Lords Proprietors more than

once recognized the fact that lands had been purchased from the Indians before the date of their charter, and they distinctly recognized also the fact, not only that a settlement had already been "begann," but that it had progressed far enough to need a fully organized government of its own.

It is evident, therefore, that there was a considerable settlement in Albemarle prior to 1663, in which the lands were held, in some cases, by purchase from the Indians, and in others under grants from Virginia; but of the length of time it had been growing nothing definite is known. There is nothing to indicate, however, that it was of rapid growth.

There were, indeed, earlier settlements, or attempts at settlement, but they came to naught; Raleigh's Roanoke Island Colonies and the New England settlement on the Cape Fear, in 1660,. being conspicuous instances of speedy failure, worthy of mention as bald historical facts, but without influence or effect upon the permanent settlement of the colony.

The Barbados settlements on the Cape Fear, for there were two of them—but adverse in interest and made under different auspices, one in the interests of the "several gentlemen and persons of good quality" who made the proposals contained in the letter 12th August, 1663, and the other under the auspices of Yeamans—broke up in the summer or early fall of 1667. The story put forth by Chalmers and repeated by subsequent historians, about the seven years' benign rule of Yeamans, seems to have been pure imagination, for instead of being at Cape Fear, Yeamans was in Barbados holding high official position there. The statement that the people at Cape Fear followed Yeamans to South Carolina is also without foundation. They went up to the Albemarle settlement and to Nansemond county in Virginia in part and in part to Boston. In this fact is to be found an easy explanation of the increase at this time of settlers in Albemarle both from New England and from Barbados.

The Albemarle settlement, therefore, is the parent settlement of North Carolina, emigration going from it to the southward, from the Chowan to the Roanoke, Maratock or Noratoke, as it is spelled on the old maps, thence to the Pamplico, where, in 1690, a colony of Frenchmen, an

offshoot of the James River French settlement in Virginia, made a lodgment. Then the Neuse River was reached, and, on or before 1706, was passed. In 1707, there was another secession from the same James River settlement, and another lodgment of Frenchmen in North Carolina—this time between the Neuse and the Trent Rivers.

In January, 1710, DeGraffenried and Michel shipped a number of German Palatines to the Neuse. In June of the same year DeGraffenried followed them in person with his Switzers. Still creeping along southward, settlers began to find their way once more toward the Cape Fear country. In 1711 they had gone as far south as White Oak River, and in 1713, as far as New River, in the county of Onslow. In 1714, however, the Governor and Council forbade the survey and sale of lands within twenty miles of the Cape Fear, up to the waters of the Trent. This order cut off surveys below the line of the New River settlement. But even worse than this, because more general in their character, were the obstacles to settlement arising from the instructions of the Lords Proprietors in the matter of the entry and survey of lands outside of Albemarle county. For ten years the restrictions on the purchase of lands in the county of Bath, then extending from the Pamplico to the South Carolina line, were such as to amount to a practical prohibition. The consequence was that new settlers were prevented from coming in and old ones induced to go away for want of land, until the 17th of April, 1724, when the grievance being no longer bearable, the Assembly petitioned the Governor and Council to devise some way of opening up lands outside of Albemarle to survey and purchase until the will of the Lords Proprietors in the premises might be known, and declared it to be their purpose to address the Lords Proprietors on the subject.

In response to this petition, the Governor and Council, for the reasons set forth therein, and for the further reason that squatters were already going in and settling there without payment of rent or other consideration, ordered that lands in Bath county should be open to survey and sale on the same terms as lands in Albemarle until the will of the Lords Proprietors should be known. Accordingly the first grants for lands on the Cape Fear, after the year 1714, were issued in 1725, though, as we have

seen, there were some squatters there early in 1724, if not prior thereto. After this date, emigration went westward, and even before that date had done so, until the territory east of the Wilmington and Weldon Railroad was settled more or less.

The course of early events in Carolina seems to have been about as follows:

On the 24th of March, 1663, Charles II. granted Carolina to the Lords Proprietors. Very shortly thereafter, they received proposals purporting to come from certain New England adventurers interested in the settlement at Cape Fear. In May, 1663, the Lords Proprietors, having organized under their charter, published a reply to these proposals, which fell into the hands of certain English adventurers in the same cause, and they, after repudiating the proposals as not their own, proceeded to set forth at large their views in the premises, in a paper bearing date 6th August, 1663. On the 12th August, 1663, proposals were made to the Lords Proprietors from "several gentlemen and persons of good quality" in the Island of Barbados for a settlement in Carolina between Cape Fear and Florida. Pending these proposals, other proposals, by other parties in Barbados, and in different interests, notably by Major William Yeamans, in behalf of his father John Yeamans, were made. In reply to the representations of the English adventurers above mentioned, the Lords Proprietors, on the 25th August, 1663, published a paper entitled "A declaration and proposals to all who will plant in Carolina." On the 8th September, 1663, the Lords Proprietors empowered Governor Berkeley, of Virginia, to inaugurate a government in Albemarle, in order that the King might see "they slept not with their grant."

In 1664 the Proprietors commissioned William Drummond as Governor of Albemarle, but of the commission and the instructions accompanying it we have no copy. That he had a prior commission from Berkeley, as is commonly stated, is, to say the least, very doubtful. The only authority for this supposition seems to be the letter from the Lords Proprietors in September, 1663, to Berkeley, empowering him to appoint a Governor, there being no evidence of the exercise of such authority by

him. Indeed, the letter of 7th January, 1665, from the Proprietors to Drummond suggests a contrary view, for they say they had sent him his commission and instructions. There is some uncertainty as to the date of his appointment, also. The probability seems to be that Berkeley, feeling the delicacy of his position, being a Lord Proprietor as well as the Governor of Virginia, refused to act under the authority given to him, or at least to do so openly, and that nothing was done towards inaugurating a government in Albemarle until the fall of 1664, the date of Drummond's commission from the Proprietors. There is no claim that any government was instituted prior to 1664. Chalmers says expressly that the authority conferred upon Berkeley by the Proprietors in 1663, was exercised by him "during the subsequent year," and Williamson that it was "in the following summer." In addition to this, Albemarle was not included in the tobacco-cessation negotiations of the early part of that year, and it doubtless would have been included had any government then existed there. According to Berkeley's instructions, too, the term of office of the Governor was to be three years, with the promise of reappointment if he conducted himself properly. Drummond's successor was appointed in October, 1667. From this it would seem that the Government in Albemarle began in October, 1664, and that Drummond got his commission, not from Berkeley, but directly from the Proprietors, and served his full term. Doubtless, however, he had Berkeley's private recommendation. The fate of this first Carolina Governor was a tragic one, for having returned to Virginia and taken part in Bacon's great Rebellion there in the years 1675 and 1676, he was captured and hung. Being carried before Governor Berkeley, the Governor made him a low bow and said, "Mr. Drummond, you are very welcome. I am more glad to see you than any man in Virginia. Mr. Drummond, you shall be hanged in half an hour." And sure enough he was executed "as soon as a council of war could meet, his sentence be dispatcht and a gibbet erected." But for all that he seems to have been a good man and a patriot more worthy of respect and remembrance, perhaps, than any Colonial Governor ever in Carolina.

On the 1st November, 1664, Robert Samford [Sandford] was commissioned Secretary and Chief Register of the county of Clarendon, and on the 24th of same month John Vassall was commissioned its Surveyor-General.

On the 7th January, 1665, the negotiations with Major Yeamans resulted in an agreement between the Lords Proprietors on the one part and his father, John Yeamans, and his associates of the other part, based upon the provisions of a document entitled "The concessions and agreement of the Lords Proprietors of the Province of Carolina, to and with the adventurers of the Island of Barbados and their associates of England, New England, the Caribbia Islands and Barmotthos to the Province of Carolina, and all that shall plant there. In order to the settling and planting of the countye of Clarendine, the county of Albemarle and the county of ....., which latter is to bee to the southward or westward of Cape Romania, all within the Province aforesaid."

Up to 7th January, 1665, the Lords Proprietors seem to have had no fixed general plan for the settlement and government of their province, but considered each proposition made to them on its own merits solely. For instance, their proposals for May and August, 1663, were intended for settlers at Cape Fear. For Albemarle they had other views. There they left everything to the judgment of Berkeley, hoping, however, that as a considerable settlement was actually in progress there, and because of its proximity to Virginia, they would get more favorable terms. Now, however, this haphazard policy was changed and a general plan of operations was matured and took shape in the provisions of the document above referred to, called the Concessions of 7th January, 1665. This was in brief to give each colony or county its own government separate and "distinckt" from the others in authority, but identical in form and character, and this form of government, for anything that appears to the contrary, lasted until after the adoption of the Fundamental Constitutions in July, 1669. In fact, the Great Deed of Grant of 1st May, 1668, refers to the Concessions as then in force. The counties were to be eight in number, and each under the charge of one of the Proprietors or his deputy, Clarendon being the first settlement formally erected into

a county and Albemarle the second. Each county was accordingly named after a Proprietor, viz.: Clarendon, Albemarle, Craven, Berkeley, Colleton, Bath, &c. These county governments were to be consolidated into an imperial government, and to this end instructions were issued to Governor Ludwell, in 1691, to summon a Parliament of "20 delegates for the free men of Carolina, viz.: 5 for Albemarle county, 5 for Colleton county, 5 for Berkeley county, and 5 for Craven county." The slow growth of the settlements in the northern part of the province prevented the consummation of this plan of government and finally brought about the division of the province into the two governments of North and South Carolina. With the territory between the Neuse and the Santee Rivers, some 200 miles in width, so long uninhabited by white people, a division of the province was inevitable.

On the 11th January, 1665, the Lords Proprietors commissioned John Yeamans, lately made a Baronet at their instance, Governor during their pleasure of the county of Clarendon "neare Cape Faire and of all that tract of ground which lyeth southerly as far as the River St. Mathias." The county also had a Legislature, as appears from a petition of the members thereof addressed to the Lords Proprietors, in the year 1666.

In October, 1667, the Lords Proprietors commissioned Samuel Stephens Governor of Albemarle, during their pleasure, and sent him certain instructions defining his powers, the form of government, &c.

This is the document referred to by Dr. Hawks as containing the first constitution given to Carolina. A comparison of this document, however, with the paper of the 7th January, 1665, shows that the so-called "first constitution" of 1667 was merely a transcript from that paper, to which, indeed, it refers by name, as the "Concessions," the paper of January, 1665, being the only one of that name. It will be seen, too, that the form used for the commission of Stephens, in 1667, is identical with that used for Yeamans' commission, in 1665, and that the instructions given for the sale of land in Albemarle in 1667 are identical with those given in the Concessions of 1665 for the sale of land there.

It is evident that Chalmers had not seen the Concessions of January, 1665, and that he misquoted the instructions of October, 1667. For the

former, there is probably a good excuse, as the only copy of it preserved seems to be that found in the Shaftesbury Papers which have only recently been placed in the Public Record Office in London.

The chief beauty and excellence of the constitution, so-called, of 1667, that according to Chalmers gave such great satisfaction to the people of Albemarle, had, unhappily, no existence save in Chalmers' own imagination. Under that constitution, according to Chalmers, the Governor was obliged to act altogether by the advice of a Council of twelve—one-half to be appointed by the Governor and the other by the Assembly, and this he boasted was a sufficient reply to what critics called a defect in Colonial Government, viz.: that the same men constituted the Senate, the Governor's Council and the Court of Appeals. Unhappily, the records show that the Assembly had no share whatever in the appointment of the Council, but that the Governor alone appointed each and every one of its members. The right of the Assembly to share in the appointment of Councillors did not accrue until after the adoption of the Fundamental Constitutions of 1669.

Had Chalmers known anything of the Concessions of January, 1665, and had he quoted accurately the instructions of October, 1667, his narrative of events, as well as that of Dr. Hawks, who followed him, would doubtless have been less confused and more consistent.

It is generally assumed that Stephens continued to be Governor from 1667 till his death in 1674, and yet it would seem from the "Instructions to the Governor and Council of Albemarle," on page 181, that Peter Carteret was Governor in 1670, at least until after the 20th January. On the 20th January, 1670, Lord Berkeley, then just elected Palatine, "commissionated Samuel Stephens to be his Deputy and Governor of Albemarle," as he had a right to do under the Fundamental Constitutions. It does not appear who was the appointee under the Duke of Albemarle, the first Palatine, who was elected on 21st October, 1669, if any there was. Probably Carteret was, but if so, there is no proof of the fact. Carteret was Governor after Stephens' death, and, becoming disgusted, returned to England, leaving the Government in Albemarle "in ill order and worse hands." Jenkins succeeded him as President of

the Council, and was turned out in 1675 by the Assembly. The widow of Governor Stephens seems to have been fond of official life. After his death she married Governor Berkeley of Virginia, and after his death she married Governor Ludwell of Carolina.

On the 1st May, 1668, the Lords Proprietors, in response to a petition of the General Assembly held in the latter part of the year, 1664, or the early part of 1665, issued a paper known to this day as The Great Deed of Grant. By this deed land in Albemarle was directed to be granted upon the same terms and conditions as in Virginia. The deed was duly recorded in Albemarle and the original preserved with the most scrupulous care. Sixty-three years after its date, the original was formally brought into the Assembly and ordered into the special custody of its Speaker, and its text spread upon its minutes.

The pains taken to secure the preservation of this important document in Albemarle seems to have been very necessary, for Governor Burrington declares in one of his letters that he could not, after diligent search, find any record of it in England. There was such a record, however, as may now be seen by reference to page 29 Colonial Entry Book, number 20, in the Public Record Office in London.

Various efforts were also made from time to time by the authorities both in England and in Albemarle, to break its force by declaring not only that it was a revocable deed, but that it had at various times actually been revoked and annulled. Governor Gabriel Johnston, a very arbitrary official in his dealings with the colony, was especially urgent in pressing this view of the case.

On the 21st July, 1669, the Lords Proprietors, not content with the simple form of government instituted by them in January, 1665, signed Locke's Fundamental Constitutions, but for want of Landgraves, Cassiques and a sufficient number of people, they were never put into practical operation in North Carolina. Their chief impress, it is believed, is to be found in the enacting clause in the acts of Assembly between 1669 and 1729. In their stead the Lords Proprietors, from time to time, sent out instructions to the Governor and Council of Albemarle, which they said were as "nigh" the Fundamental Constitutions as they could come

under the circumstances. These constitutions, though purporting to be unalterable, went through no less than five editions, so to speak, before they were altogether abandoned as utterly impracticable and absurd. The first set or edition of these constitutions was signed on 21st July, 1669, the second on the 1st March, 1670, the third on 12th January, 1682, the fourth on the 17th August, 1682. The fifth and last edition bore date on the 11th April, 1698, and was duly assented to by the delegates in the General Assembly. The first set, that is to say, the constitutions of 21st July, 1669, was also, doubtless, formally assented to. When these constitutions were formally abandoned, if ever, does not appear. The year 1693 is the date usually assigned to that event. This cannot be true, however, because as we have seen, the last set of the constitutions was issued five years afterward, and again, in 1702, we find in the instructions and commission to Governor Johnson conclusive proof that the Lords Proprietors were still seeking to enforce the constitutions. See Appendix.

In 1672, William Edmundson, the Quaker, visited Albemarle, finding there only one Quaker family, viz.: that of Henry Phillips, though there were Quakers in Virginia. Later in the same year George Fox also went over the same ground, making converts from other denominations. In 1676, Edmundson made a second visit to Carolina, and was made happy by seeing that the "Friends were finely settled there." It would seem, therefore, that the Quakers formed only a very small part of the earliest inhabitants of Albemarle, and that even that small part became Quakers by conversion from other faiths after reaching Albemarle.

The belief therefore that they came as Quakers to Albemarle to escape persecution as such in Virginia or elsewhere is not well founded. The truth seems to be that the Quakers being the first and for a long time the only denomination that sought to arouse the people of Albemarle to a sense of their duty as Christians, easily gathered into their fold the bulk of the religious element of the country of all former faiths.

This view of the case is confirmed by the declaration of Governor Walker, who, under date of 21st October, 1703, wrote from Albemarle to

the Bishop of London, saying, "We have been settled near this fifty years in this place, and I may justly say most part of twenty-one years, on my own knowledge, without priest or altar, and before that time, according to all that appears to me, much worse. George Fox some years ago came into these parts and by strange infatuations did infuse the Quakers' principles into some small number of the people; which did and hath continued to grow ever since very numerous by reason of their yearly sending in men to encourage and exhort them to these wicked principles; and here was none to dispute nor to oppose them in carrying on these pernicious principles for many years, &c." But even though they continued to grow so "very numerous," the Quakers as late as 1709 constituted about a tenth part only of the population.

The evidence of Mr. Gordon, one of the English Missionaries in Albemarle, is also quite explicit on this point. He says, in a letter to the secretary of the Society for the Propagation of the Gospel in Foreign Parts, dated 13th May, 1709:

"There are few or no dissenters in this government, but Quakers, who have been always the greatest sticklers against, and constant opposers of, the church, and that with no small success; it will not, therefore, be improper to trace their rise, with the privileges and immunities they still plead and contend for at the present day, to the great disturbance of the peace of that province and the hindrance of good laws and other proper endeavours for its improval.

"From the first settlement I find for some years they were few in number and had little or no interest in the government until John Archdale, Proprietor and Quaker, went over, by whose means some were made Councillors: and there being then no ministers in the place, they began to increase and grow powerful; for the Council granting all commissions, in a short time they had Quaker members in most of their Courts; nay, in some the majority were such, who, still pushing at the government, were very diligent at the election of members of the Assembly, &c."

The views expressed above are not in accord with those expressed by Dr. Hawks in his history of North Carolina, but for all that, it is submitted that they are essentially correct. There is no evidence that Dr.

Hawks had seen the Journal of Edmundson, and he evidently misapprehended the journeyings of Fox, whose Journal he had seen. Dr. Hawks says Fox went upon the Roanoke river and its tributaries, and that it was to that section he referred when he said there were no Friends there. In this latter declaration he is clearly mistaken, for Fox was speaking of the Macocomocock river, and not the "Maratick," when he said there were no Quakers inhabiting that part of the country. And what is quite as important, Dr. Hawks had forgotten that Albemarle Sound, or River, as it was called, was also called Roanoke Sound.

Fortunately, the hamlet of Somerton, one of the places visited by Fox and mentioned by him, bears to-day the same name it bore when Fox was there. It is situated in Virginia, very near the North Carolina line and very near the road leading from Suffolk, Virginia, to Gatesville, North Carolina, on Bennett's Creek, the two places being about twenty-eight miles apart.

If Dr. Hawks had taken a map, and with Fox's Journal before him, had traced his route therein set forth, he would have seen that Fox went not upon the Roanoke and its tributaries, but from Somerton, to Bennett's Creek [not Bonner's Creek, as printed in the Journal]; from thence down the creek to Chowan River, thence down the sound, or, as Fox expressed it, "down the river Maratick," to Edenton Bay; thence into Pasquotank and Perquimans counties, where, says Dr. Hawks, the great body of the Quakers were settled. But if an inspection of the map was not convincing, the statement of Fox himself that he went to Connie-oak Bay, where he met the Governor of the Colony, and to other points, where he met Representative Scott and the Secretary of the Colony, and his further declaration on his return, that he had spent his time in the "north of Carolina," would be conclusive that he was not upon the Roanoke or any of its tributaries. There was then no county or precinct on the Roanoke or its tributaries, and not any for years afterward, nor was there any representative, secretary, Governor or other official living there. Nor could it be said that the Roanoke was in the north of Carolina.

Indeed, considering the small number of Quakers in the world at the date of the first settlement of Albemarle, and the remoteness of their place of origin, it would be strange had they been the pioneers in Carolina.

It is perhaps a very flattering unction that we lay to our souls in supposing our State was settled by men seeking religious freedom, but unhappily there seems to be no solid foundation for the belief. So far as we can see, the moving causes of immigration to Albemarle were its delightful climate, magnificent bottom lands and bountiful products. Immigration, in early days, divested of its glamour and brought down to solid fact, is the history of a continuous search for "bottom land." Up stream and up creek, across divides to other water courses, there was ever the same object in view, more bottom land and better bottom land. As has been said, the early settler did dearly love a wide stretch of bottom land. And in this connection it may be well enough to call attention to the fact that the designation of Roger Green as a "clarke," that is to say, a "clerke" or clergyman, in the Virginia Statute, puts beyond dispute the fact that he was a clergyman of the Church of England, and entirely upsets the theory that in seeking to leave Virginia he desired to find a freer, if not a purer, religious atmosphere. In that day only the ministers of the Church of England were styled "clerkes" or clergymen in the Virginia Statutes. It matters not, however, what were Green's denominational preferences, for it is almost certain that he never made any settlement in Albemarle. Yardley did not find him there in 1654, nor does he seem ever to have been heard of after the date of his grant in 1653.

In 1677 began the Culpeper Rebellion, so-called. According to the written statement of the Lords Proprietors themselves, Thomas Miller, the man against whom Culpeper "rebelled," was not a Governor, but a usurper, who "without any legal authority gott possession of the government of Albemarle, in Carolina, in the year 1677 and was for a tyme quyetly obeyed but doeing many illegall and arbitrary things and drinking often to excess and putting the people in generall by his threats and actions in great dread of their lives and estates and they as we suppose

getting some knowledge that he had no legall authority tumultuously and disorderly imprison him," &c. Culpeper, however, was tried for treason in England and acquitted, Shaftesbury being a witness in his behalf. In view of the facts as now presented, the blood-thirsty talk of Chalmers and of Dr. Hawks, who adopts not only the sentiments but the language of Chalmers, seems, to say the least of it, rather out of place. How it happened that Chalmers failed to see the statement of the Lords Proprietors above mentioned may now never be known.

In 1679, Virginia having failed in the efforts she had been making since 1664 to reduce the production of tobacco by joint legislative action, first with Maryland and then with Albemarle and Maryland, resorted to another legislative experiment to accomplish the purpose, and passed the first of a series of acts extending through the entire Proprietary period, prohibiting Carolina tobacco from being carried into Virginia. As Albemarle had no sea-ports worthy the name, the effect will at once be seen, for tobacco was her money crop. It was a cruel blow; there were then no railroads to give one colony free access to the ports of another, and there was then no Federal Constitution to prevent embargoes and other unneighborly acts.

In July, 1680, Governor Culpeper, of Virginia, issued an order for the collection of rents and taxes from the inhabitants of Currituck and Blackwater, claiming them to be Virginians, and thus put into active operation a dispute with Carolina about the boundary line that did not end until 1728, when the restoration of the province to the Crown was an assured fact.

This dispute had its origin, it may be said, in the grant of the second charter. It will be remembered that the first charter fixed the 36th parallel of north latitude as the boundary between Carolina and Virginia, and that it was only by the second charter in 1665 that the boundary was advaneed northward to a line running from "the North End of Currituck River or Inlet upon a strait westerly line to Wyanoak Creek which lies within or about the degrees of thirty six and thirty

minutes northern latitude and so west in a due line, &c." The line of 36° runs just south of Edenton, Hillsboro, Greensboro, and so on, west. So that the effect of the second charter was to add the settlement on the Chowan to the territory of Carolina. That this addition was not sooner made was doubtless due to a misapprehension on the part of the Lords Proprietors as to the exact location of their settlement on the Chowan, for we find them in a letter of 9th September, 1663, saying the settlement is "in the latitude of 35 or thereabouts, to which place we have ordered a Governor to be sent from Virginia." It would seem from this, and, indeed, from all their actions, that the Lords Proprietors thought the Chowan settlement had been given to them by the first charter. But however this may have been, Virginia regarded the second charter as an encroachment upon her rights, and Berkeley, the Governor, who was a grantee under it, was charged with treachery in permitting it. It was soon noised about, too, in Albemarle that "North Carolina," as the territory covered by the second charter was now called, was to be given to Berkeley for his share of Carolina, and the rumor created so much dissatisfaction that the Lords Proprietors felt obliged to write out there to the Assembly in 1676, declaring it to be false. In a few years, Berkeley being dead and a new Governor in his place in Virginia, as we have seen, the territory was boldly claimed as the rightful property of Virginia and as stoutly held by the Lords Proprietors. At first Virginia denied the existence of the second charter and any new line. Easily beaten in this by inspection of the record, she continued the fight on the location of the natural objects called for along the line and controlling it, and thus the matter stood for nearly fifty years. The record as now presented is one that North Carolina does not need to be ashamed of in spite of the constant vituperation of her authorities by the Virginia authorities.

Mr. W. C. Kerr, late Geologist of this State, in the introduction to his volume on the Geology of North Carolina, says:

1. The first and only serious attempt to ascertain the northern boundary was made in 1728, by Col. Wm. Byrd and others, commissioners on the part of the two colonies acting under Royal authority.

2. That in all the numerous attempts to establish the line of division between the two colonies and States, the intention and the specific instructions have been to ascertain and mark as the boundary of the two States the parallel of 36° 30′.

Both of these statements are erroneous.

In the first place, the survey of 1728 was by no means the first or the only serious attempt to ascertain the northern boundary, as the records show. 2d, the line as run in 1728 was not an attempt to ascertain and mark the parallel of 36° 30′, but an attempt to run a line between certain natural objects regardless of their coincidence or want of coincidence with the parallel of 36° 30′, and agreed upon as a compromise by Governors Eden and Spotswood. 3d, it was at no time, from the grant of the charter to the running of the line, the purpose to make the parallel of 36° 30′ the boundary.

And just here it may be remarked we have the origin of another dispute of long standing—that about the use of the terms North Carolina and Carolina rather than North Carolina and South Carolina. For a number of years when "North Carolina" was spoken of, only the additional territory covered by the second charter was referred to, that conveyed by the first charter being called "Carolina." In the course of time North Carolina came to embrace all the territory of the province, north and east of Cape Fear, and the distinction between North Carolina and Carolina, was no longer appropriate, though surviving in common speech.

In 1689 the Governor ceased to be called Governor of Albemarle, and was called Governor or Deputy Governor of North Carolina. In this same year Governor Sothel, himself one of the Lords Proprietors, was tried by the Legislature, or rather by the popular branch of it, convicted and sentenced to banishment for one year and to perpetual disfranchisement.

The remarkable pronunciamento of Capt. Gibbs of the 2d June, 1690, develops a claimant for gubernatorial honors in Carolina hitherto unknown to fame. By what authority he claimed to be Governor does

not appear. A possible solution of the matter is, that when Sothel was banished he appointed Gibbs to succeed him. Gibbs was as violent in acts as he was boastful in words, as may be seen from the letter of Governor Ludwell of 19th July, 1690. The good people of Albemarle were, however, as quick to resort to arms for resistance, as Gibbs was for outrage and oppression.

In 1701 the Legislature having passed an act for the election of vestries and for the maintenance of clergymen, efforts were first made to secure regular religious services according to the requirements of the Church of England. The Quakers also began to hold regular monthly meetings in the same year; at least we have no records of such meetings at an earlier date. About this time, also, the Society for the Propagation of the Gospel in Foreign Parts began its work of sending clergymen of the Church of England as missionaries to North Carolina, a work that was continued until the beginning of the Revolution.

The subserviency of the Legislature to the dictation of the Government in the matter of religion seems not to have gone as far in North Carolina as it went in her sister colony of South Carolina, for the two church acts, requiring conformity to the Church of England, that raised such a commotion in South Carolina in 1704–'5 that upon a representation from the House of Lords the Queen not only repealed them but ordered proceedings *in quo warranto* to be instituted against the Lords Proprietors for a forfeiture of their charter, seem never to have been passed in North Carolina.

It is true, as said above, that a vestry act was passed in 1701, but while this was doubtless an act for the establishment of the Church of England in the colony, it by no means required conformity thereto. We have no copy of the first vestry act, but its provisions, as may easily be gathered from the letters of the missionaries and others to the Secretary of the Society for the Propagation of the Gospel in Foreign Parts, were substantially the same as those of the vestry act of 1715, of which we have a complete copy.

Neither Chalmers, nor Williamson, nor Martin refer to any such acts as those passed in South Carolina. Martin indeed says that Governor Daniel procured the passage of a bill for the establishment of the Church of England by legal authority, but the provisions of that act, as set forth by him, are the well-known provisions of the vestry acts of North Carolina, not the provisions of the South Carolina acts. More important testimony still is the silence of the missionaries in their correspondence. Not a word in all that correspondence gives the slightest ground for crediting the existence of any such acts, and it is well-nigh impossible to suppose that had any such acts been passed no reference would have been made to them.

Nor do the proceedings in England resulting in the repeal of the South Carolina acts make any reference to North Carolina. If North Carolina had any concern in those proceedings the record utterly fails to show it.

No doubt Governor Daniel would have done in North Carolina all that his friend and patron Governor Johnson did in South Carolina, had he been able to do it. All he could accomplish, however, was to secure the reënactment of the vestry act of 1701. Between this act and the South Carolina acts there was, as we have said, a wide difference. In North Carolina a church was indeed established by law, but the people needed not to conform to its faith or its services unless they chose to do so. Here the oppression went so far as to require men to pay taxes for the support of a church whose services they did not desire to attend. In South Carolina it required unwilling men to conform to its services, as well as to pay for them, upon pain of disfranchisement.

The confusion upon this point arises in part at least, doubtless, from the trouble with the Quakers about this time. But this trouble arose not from any acts passed for the establishment of the Church of England or requiring conformity thereto, but from the refusal of the Quakers to take oaths, even the oath of allegiance. It happened just about this time that the new oaths of allegiance made necessary by the recent accession of Queen Anne to the throne, reached Albemarle. As a matter of course the Quakers refused to take them, their faith prohibiting anything stronger than an affirmation, and hence the trouble. This view of the case seems

to be very strongly confirmed by the intelligent statement of events in Mr. Gordon's letter of the 13th May, 1709, to which attention is especially directed.

For the benefit of those who may desire to examine the question for themselves, the South Carolina Acts and Queen Anne's Act have been printed in the Appendix.

The next event of public interest was the so-called Cary Rebellion, which was finally put an end to by the armed intervention of Governor Spotswood of Virginia. It is generally stated to have lasted from 1708 to 1711, but the statement is scarcely accurate. The history of this "rebellion" is, in brief, as follows: In 1704 the new oaths of allegiance made necessary in consequence of the recent accession of Queen Anne to the British throne, reached Albemarle, and Governor Daniel required all officials to take them. The Quakers not only refused to take them, but had influence enough with the Lords Proprietors to induce them to turn out Daniel and put Colonel Thomas Cary in his place. Cary also required the oaths to be taken by all officials, and he, too, was deposed. The Proprietors then authorized the Council to elect a President, in whom executive authority was to be vested, the right of the South Carolina Governor to appoint a Deputy Governor being suspended in the meanwhile. The Council met and elected William Glover as its President. He, too, required the oaths to be taken by all officials, and thereupon the Council met again and elected Cary to be President in the place of Glover. In 1708, in order to put an end to the strife, it was agreed to refer the matter to the Assembly for decision, and to this end a new Assembly was called, both Cary and Glover issuing writs for the election. The Assembly met in October, and after seating Cary delegates from Chowan whose election was contested, proceeded to elect Edward Moseley Speaker and to recognize Cary as the lawful Executive. At this date the Colony consisted of two counties, Albemarle and Bath. Albemarle had four precincts, Chowan, Currituck, Pasquotank and Perquimans, each of which sent five delegates to the Assembly. Bath had three precincts, Pamptecough, Wickham and Archdale, each of which sent two delegates. The Assembly, therefore,

consisted of twenty-six members, and as Pasquotank, Perquimans and the three Bath precincts sent Cary delegates to the Assembly, he had a clear majority without the Chowan members. The fact that the Quakers had the balance of power, if not the majority, in Pasquotank and Perquimans, two of the four large precincts, explains why it was that they could exercise a commanding influence in the Assembly whenever they desired to do so.

Glover, however, refused to abide by the decision of the Assembly, protesting that its members had not qualified according to law and that in consequence thereof he was not bound by anything it did.

Both sides, it is said, resorted to arms, but the evidence of any actual armed conflict is very slight. The truth seems to be that from 1708 till 1711 there was not really any rebellion or insurrection, but an utter absence of all government, there being for "two years and upwards no law, no justice, Assembly or courts of judicature, so that people did and said what they list." In the summer of 1710 Edward Hyde came upon the scene, asserting that he had been sent there to be Deputy Governor, but that owing to the death of Col. Tynte, Governor of Carolina, he had no commission and could get none. The only proof he could make of his statement was some private letters in his possession. In spite of this, however, his story was believed, and the Council, tired of the conflict doubtless, in deference somewhat, possibly, to the supposed wishes of the Lords Proprietors and because of the "awful respect" inspired by Mr. Hyde's relationship to the Queen, proceeded to elect him its President, though by what authority a person not a member of the Council was thus chosen, does not appear. Hyde went on duty as President, ordered an election for a new Assembly, and everything seemed to promise a complete restoration to peace and good order.

The Assembly met in March, 1711, and the adherents of Hyde being largely in the majority, the temptation to wreak vengeance on their old enemies was greater than they could resist. Violent legislation, disapproved of both by Governor Spotswood and the Lords Proprietors, followed. [See page 784, *et seq.*] To prevent this legislation from going into effect, a fresh resort was had to arms, constituting the rebellion that

Governor Spotswood of Virginia put down by an armed force. During all this time the Lords Proprietors seemed to have been indifferent if not disinterested spectators of events in Albemarle, and it may well be doubted whether the legal authority of the government against which Cary rebelled was any greater than that of the government against which Culpeper rebelled thirty years before. In fact, Hyde was not commissioned until 24th January, 1711–12, and did not take the oaths of office until the 9th of May following, nearly a year after Spotswood's armed intervention in his behalf. The records relating to this "rebellion" come to us from Pollock and Spotswood with all the bias and coloring that the bitterest partisanship could give. No crime was too gross or too unnatural to impute to Cary and his followers. Against Cary it was alleged that he threatened to repeat in Albemarle the tragic occurrences in Antigua, where, in 1709, the people having been "cursed by the Government of a ferocious and unprincipled tyrant" for three years, "rose in a body, overpowered the regular troops, tore the living body of the oppressor limb from limb, and gave the fragments to beasts of prey. So well was this punishment thought to be deserved," continues the historian, "that the British Government ratified the act by granting a general pardon to all concerned in it, and shortly afterwards promoted two of the principal actors to public offices." The fate of Governor Parke, of Antigua, was not, it seems, a pleasing subject for contemplation in gubernatorial circles, either in Albemarle or in Virginia. Against Cary's adherents, if not against himself, was alleged the instigation and solicitation of the horrible Indian massacre of September, 1711, and to this last charge Dr. Hawks seems seriously to give credence; but the good Doctor was a devoted follower of Pollock and a firm believer in the doctrine of "obedience to the powers that be."

There seems to be but little doubt that Quakers, how many it is now impossible to say, bore arms during the Cary Rebellion. This violation of the principles of their faith was doubtless due to the fact that they were not born Quakers, and were still under the dominion of the natural habit of belligerency.

In September, 1711, occurred a terrible massacre of the colonists on the Neuse and Pamplico by the Indians, the Tuscaroras being the chief instigators thereof, that, with the Indian war that followed, blighted the colony for years, and would have destroyed it entirely but for the prompt and generous action of South Carolina in coming to its assistance. Governor Spotswood of Virginia made a very eloquent speech to his Legislature, appealing to its members by all the considerations of humanity, kinship, neighborhood and self-interest for help for their brethren in Albemarle, and succeeded in getting an appropriation of £1,000 in their behalf; but the appropriation was not expended, the security required by Governor Spotswood for repayment being such as the North Carolina authorities said they could not give. The security required by Governor Spotswood was a mortgage upon the territory north of the Roanoke, that is to say, the inhabited part of the territory, then in dispute between the two colonies. South Carolina voted £4,000 and sent troops at once, without asking for a mortgage, or other security for repayment.

What was the character of the previous intercourse between the colonists and the Indians does not fully appear, though it was doubtless much like that between other colonists and Indians. We know that there was an Indian invasion in Albemarle in the early fall of 1666 of sufficient magnitude to prevent the transmission of the act of Assembly of that year for the cessation of tobacco-planting to Maryland by the last of September, the time agreed upon for it to be there, and from the common use of the term "enemy Indians," it would seem that hostilities with the Indians were not infrequent.

But even if there had been an unbroken peace hitherto, the massacre of 1711 was horrible enough to make the Indian annals of Albemarle of the bloodiest and cruelest kind. One hundred and thirty people were massacred in the space of two hours. Women were laid upon the house floors and great stakes driven through their bodies; from others, big with child, the infants were ripped out and hung upon trees; and so hotly did the Indians pursue the survivors that the dead were left unburied, a prey to dogs and wolves and vultures. Then, and during the

war that followed, it is said that more than eighty unbaptized infants were slaughtered.

On the 24th of January, 1712, was commissioned the first Governor of North Carolina separate and distinct from South Carolina.

The volume concludes with the Manuscript of Baron DeGraffenried, covering his stay in America, his contract for the Palatines and an extract of his letter to Governor Hyde. In his MSS. will be found a plain and satisfactory explanation of Colonel Barnwell's motives for not assaulting the Indian fort when its capture was no longer a matter of doubt. The reason was, that the fort was full of white captives, who cried out that they would be slaughtered if the assault was made. Surely a sufficient reason for "clapping up a peace," as Governors Pollock and Spotswood termed it. That this simple explanation of a transaction for which Colonel Barnwell was very much blamed by the Pollock faction, comes to us from Switzerland, more than a century and a half after its occurrence, and not from the Pollock faction, shows with how much caution the statements of that faction must be received. Unfortunately, all the records of that day that have come to us were made by the Pollock faction, and none by their rivals of the Moseley faction. It seems incredible that Pollock did not know why Barnwell preferred to "clap up a peace" rather than carry the fort by assault; yet he makes no mention of it. Barnwell was on too good terms with Moseley for him to find favor in Pollock's sight. Tradition in and about the locality, it is said, corroborates DeGraffenried's statement as to the presence of white captives in the fort.

The people seem to have had a different opinion of Barnwell from that entertained by Pollock, for Pollock in his letter of 20th February, 1713, speaks of an address procured by Moseley from the Assembly to send to the Lords Proprietors in favor of Barnwell, in the hope that it might be an inducement to them to give him the government, "and, then," continues Pollock, "they two (Barnwell and Moseley) with the interest of the Quakers who are the chief moulders of the assemblies here would have carried matters on here at their pleasure"—a consum-

mation that, in the opinion of Pollock, doubtless, would have been the sum of all iniquities.

The declarations of Pollock, inconsistent as they are with the opinions of the Legislature, show the existence of a conflict in the premises between the government and the people, for the people spoke through their delegates in the Assembly, and the government spoke through Pollock, but, unfortunately, the records of the Assemblies have not come down to us.

The date of the session of the first General Assembly is no longer involved in much doubt, as it was certainly held either in the latter part of 1664 or the early part of 1665. The letter of Surveyor General Woodward, of 2d June, 1665, shows indisputably that it was held before that date. It is certain, too, that it was held after the commission and instructions were sent out for the government of the colony, as it petitioned the Lords Proprietors against a portion of those instructions—that portion relating to the grant of lands. The petition referred to is the one to which the Lords Proprietors made reply in the Great Deed of Grant of 1st May, 1668. Chalmers therefore, misled doubtless by the length of time taken to reply to it, is mistaken in saying the petition was instigated by the near approach of rent day. So far from this being true, it was about the first official action of the settlers as Carolinians. Hitherto they had been Virginians, and Berkeley, as Governor of Virginia, granted land in Albemarle until 25th September, 1663. The point at issue, then, was not merely as to the rate of rent per acre, but as to the quantity and location of land in a grant as well. The letter of Surveyor-General Woodward shows this to be true. The minutes of the Council of Maryland and the tobacco-cessation documents generally, show the existence of a Legislature in 1666, George Catchmeyd being Speaker of the Assembly in that year. At first the precincts of Chowan, Currituck, Perquimans and Pasquotank, each sent five delegates to the Legislature. In 1696, Bath was made into a county, with the privilege of sending two delegates, and from that time as new precincts or counties were created, they were given similar privileges. Bath had sent delegates before this date under the name of the precinct of Pamptico.

The first statute of which we have any knowledge was "an act prohibiting the sowing, setting, planting or in way tending any tobacco," from the first of February, 1667, to the first of February, 1668, which was passed in the early fall of 1666—probably in September. Of this act we have no copy, though we know its purport.

The next acts of which we have any knowledge, were passed in the fall of 1669, and are nine in number, and of them we have perfect copies, The Legislature that passed them was acting under the Fundamental Constitutions, and not under the so-called Constitution of 1667, as Chalmers asserts, a fact that will be patent to any one who will take the trouble to read the enacting clause set forth in full in each of said acts. Until the receipt of the transcripts from the British Record Office in London, we had no copy of any law of an earlier date than 1715.

And, in this connection, it may be remarked that, though the Legislature was called both by the Lords Proprietors and the Legislatures themselves, "The Grand Assembly," its real legal name was "The General Assembly." The first use of the term "Grand Assembly," so far as we know, occurs in the Great Deed of Grant of 1st May, 1668. It also occurs in the acts of 1669, and again in some of the acts of 1715. and afterwards, and not merely in the "earliest legislation," as Dr. Hawks asserts.

One of the acts passed in 1669 protected new-comers from their foreign creditors for five years, and from this, Albemarle came to be denounced as the resort of thieves, rogues, vagabonds, &c. It happens, however, that North Carolina was neither the pioneer nor alone in this kind of legislation. In 1642, Virginia passed a law forbidding suits to be brought on foreign debts, and gave as a reason therefor, that many people had, "through their engagements in England, forsaken their native country and repaired hither, with resolution to abide here, hoping in time to gain some competency of subsistence by their labors, yet, nevertheless, their creditors, hearing of their abode in the colony, have prosecuted them with their actions to the ruin of said debtors," &c., &c., &c., &c. In 1663 the law was formally re-affirmed, because, having been accidentally omitted from the printed volume of the statutes, it was feared damage

would ensue by reason of its supposed repeal. In 1686, North Carolina and Maryland were exempted from the operation of the act. In 1683 and 1696, South Carolina also passed acts suspending foreign debts. How circumstances do alter cases. When a man in England got in debt, ran away between two suns, and settled in Virginia or South Carolina, he was graciously and fraternally welcomed and thoroughly protected from his "engagements," as his debts were mildly termed. If, however, a debtor, flying his engagements, should find welcome and protection in North Carolina, he straightway became a rogue and a vagabond. Verily, it would seem that Virginia and South Carolina sought a monopoly of absconding debtors.

The marriage law, passed in 1669, was also a subject of bitter reproach, although it simply authorized civil officers to celebrate the rites of matrimony. The law, it was said, tended directly to gross immorality and vice. Experience has proved otherwise; it made marriage easy, but not divorce. The Virginia law required the rites to be solemnized by a clergyman of the Church of England, but as there were no clergymen in Albemarle of any sort, the statute there would seem to have been a necessity, bearing in mind, at least, St. Paul's wise suggestion, that "it is better to marry than to burn." It is divorce, not matrimony, that tends to licentiousness, and it was matrimony and not divorce that was made easy in Albemarle. For these Virginia and South Carolina statutes, see Appendix, which will be found at the end of the second volume.

COLONIAL RECORDS OF NORTH CAROLINA.

ABBREVIATIONS.

B. P. R. O.—British Public Record Office.

C. E. B.—Colonial Entry Books.

C. P.—Colonial Papers.

S. P.—Shaftesbury Papers.

S. P. G.—Society for the Propagation of the Gospel in Foreign Parts.

B. T.—Board of Trade.

B. T. P.—Board of Trade Proprietors.

B. T. J.—Board of Trade Journals.

P. G.—Plantations General.

A. W. I.—America and West Indies.

COLONIAL RECORDS.

1622.

[Reprinted from Smith's History of Virginia, Vol. 2, p. 64.]

The obseruations of Master John Pory Secretarie of Virginia in his trauels 1622

* * * *

In February also he trauelled to the South River Chawonock some sixtie miles oner land which he found to be a uery fruitful and pleasant Country, yielding two haruests in a yeere and found much of the silke grasse formerly spoken of Was kindly vsed by the people and so returned.

1629.

[B. P. R. O. Shaftesbury Papers. Section IX. Bundle 48. No. 1.]

SIR ROBERT HEATH'S PATENT 5 CHARLES 1st.

[30 Oct. 1629].

Charles by the grace of God of England Scotland France & Ireland King Defender of the faith &c: To all to whom these present l^res^ shall come, greeting we have seen the inrolement of certaine of our l^res^ patents under our great seale of England made to Sr Robert Heath Knight our Atturney Generall, bearing date at Westminster the 30. day of October in the 5 yeare of our reigne & inrolled in our Court of Chancery, & remaining upon Record among the Roles of the Said Court in these words: The king to all to whom these present &c: greeting. Whereas our beloved and faithfull subject and servant Sr Robert Heath Knight our Atturney Generall, kindled with a certaine laudable and pious desire as well of enlarging the Christian religion as our Empire & encreasing the Trade & Commerce of this our kingdom: A certaine Region or Territory to bee hereafter described, in our lands in the parts of America

betwixt one & thirety & 36 degrees of northerne latitude inclusively placed (yet hitherto untild, neither inhabited by ours or the subjects of any other Christian king, Prince or state But in some parts of it inhabited by certaine Barbarous men who have not any knowledge of the Divine Dietye) He being about to lead thither a Colonye of men large & plentifull, professing the true religion; seduously & industriously applying themselves to the culture of the sayd lands & to merchandising to be performed by industry & at his owne charges & others by his example. And in this his purpose in this affayre for our service and honour he hath given us full satisfaction, which purpose of his beeing soe laudable & manifestly tending to our honour, & the profitt of our kingdome of England Wee with a Royal regard considering these things doe thinke meete to approve & prosecute them, for which end the sayd Sr Robert Heath hath humbly supplicated that all that Region with the Isles thereunto belonging with certaine sorts of priveledges & jurisdictions for the wholesome government of his Colonye & Region aforesaid & for the estate of the appurtenances may be given granted and confirmed to him, his heires & Assignes by our Royall Highnesse.

Know therefore that wee prosecuting with our Royall favour the pious & laudable purpose &. desire of our aforesaid Atturney of our espetiall grace certaine knowledge & meere motion, have given, granted & confirmed & by this our present charter to the said Sr Robert Heath Knight his heires & assignes for ever, doe give, grant & confirme all that River or Rivelett of St Matthew on the South side & all that River or Rivelett of the great passe on the North side, & all the lands Tenements & Hereditaments lying, beeing & extending within or between the sayd Rivers by that draught or Tract to the Ocean upon the east side & soe to the west & soe fare as the Continent extends itselfe with all & every their appurtenances & alsoe all those our Islands of beagus Bahama & all other Isles & Islands lying southerly there or neare upon the foresayd continent all which lye inclusively within the degrees of 31 & 36 of Northerne latitude; And all & singular the ports & stations of shippes & the Creeks of the sea belonging to the Rivers, Islands & lands aforesaid; with the fishings of all sorts of fish, whales, sturgeons & of other Royaltyes in the sea or in the rivers moreover all veines, mines or pits either upon or conceald of Gold, Silver Jewells & precious stones & all other things whatsoever, whither of stones or metalls or any other thing or matter found or to be found in the Region Territory Isles or limitts aforesaid. And furthermore the patronages and advowsons of all churches which shall happen to be built hereafter in the said Region Territory & Isles and

limitts by the increase of the religion & worship of Christ Together with all & singular these & these soe amply, Rights Jurisdictions, priviledges prerogatives Royaltyes libertyes immunityes with Royall rights & franchises whatsoever as well by sea as by land, within that Region Territory Isles & limitts aforesaid To have exercise use & enjoy in like manner as any Bishop of Durham within the Bp^ricke or County palatine of Durham in our kingdome of England ever heretofore had held used or enjoyed or of right ought or could have hold use or enjoy. And by the presents we make create & constitute the same Sr Robert Heath his heires & assignes true and absolute Lords & Proprietors of the Region & Territory aforesaid & all other the premises for us our heires & successors saveing alwaies the faith & allegiance due to us our heires & successors. To have hold possess & enjoy the said Region Isles Rivers & the rest of the premisses to the said Sr Robert Heath Knight his heires & assignes to the sole & proper use & behoofe of him Sr Robert Heath Knight his heires & assignes for ever with that meaning that the said Sr Robert Heath his heires & assignes shall plant the premisses according to certaine instructions & directions of oures signed with our Royall hand of the date of the presents remaining with our principall Secretary to our use our heires & successors To be held of us our heires & successors Kings of England in cheife by knights service & by paying for it to us our heires & successors one Circle of Gold formed in the fashion of a crowne of the weight of twenty Ounces with this inscription ingraved upon it Deos Coronet Opus Suum whensoever & as often as it shall happen, that we our heires or successors shall enter the said Region, & also the fifth & part of all the metall of Gold & Silver (which in English is called Gold & Silver Oare) which shall from time to time happen to be found within the foresayd limits & such a proportion of the profitts & commodityes out of the premises as are fully conteined in the instructions & declarations aforesaid.

But that the aforesaid Region or Territory soe granted & described may be more illustrious by us than all the other Regions of that land & may be adorned with more ample Titles.

Know that we of our free grace certain knowledge & meere motion doe thinke fit to erect the sayd Region Territory & Isles into a Province & by the fulnes of our power & Kingly Authority for us our heires & successors, we doe erect & incorporate them into a province & name the same Carolina or the province of Carolina & the foresaid Isles the Carolarns Islands & soe we will that in all times hereafter they shall be named. And because we herebefore have ordained & made the fores^d Sr Robert Heath Knight true lord & proprietor of all the afore-

named Province Furthermore know yee that we for ourselves our heires & successors doe give power to the said Sr Robert (of whose faith prudence industry & provident circumspection we have great confidence) & to his heires & assignes for the good & happy Government of the said Province to forme make & enact & publish under the seale of the said Sr Robert his heires & assignes what lawes soever may concerne the publicke state of the said province or the private profitt of all according to the wholesome directions of & with the counsell assent & approbation of the Freeholders of the same Province or the Major part of them who when & as often as need shall require shall by the aforesaid Sr Robert Heath his Heires & Assignes & in that forme which to him or them shall seem best, be called together to make lawes & those to be for all men within the said province & the bounds of it for the time beeing or under his or their Government or power either sayling towards Carolana or returning from thence either outward to England or outward to any other dominion of ours whatsoever constituted by imposition of fines imprisonment or any other constraint whatsoever & we grant to the said Sr Robert his heires & assignes free full & all kind of power by the Tenour of the presents if the qualitye of the offence requires it to punish by the losse of life or limbe by himself his heires or assignes, or by their Deputyes Lieutenants Judges Justices Magestrates Officers & ministers to be constituted & made according to the tenour & true intent of these presents duely to be executed: And also to the said Sr Robert Heath his heires & assignes as to them shall seem most meet power of constituting & ordaining Judges & Justices Magestrates & offiecrs whatsoever for whatsoever causes and with what power soever & in what forme by sea or by land. Alsoe crimes & all excesses whatsoever against such laws either before judgement received or after, power of remitting releasing pardoning & abolishing, & all & singular complements of justice courts tribunalls forms of judgements & manners of processe belonging to them although there be not mention made nor expression of them in these presents which lawes as aforesaid to be proclaimed & to be endowed with the most absolute firmnesse of right: we will injoyne command & order that they be inviolably observed & kept by all men the Lieges & Subjects of us our heires & successors (as farre as it may concerne them) & under the paines in them expressed & to be expressed yet soe that the foresaid lawes & ordinances be consonant to Reason & not repugnant or contrary but (as conveniently as may be done) consonant to the lawes, statutes, customes & rights of our Realme of England.

And because in the Government of soe great à Province sudden chances many times happen to which it will be necessary to apply a remedy before

that the Freeholders of the sayd province can be called together to make lawes, neither will it be convenient, upon a continued title in an emergent occasion to gather together soe great a people therefore for the better Government of the sayd Province, we will & ordaine & by these presents for Us our Heirs & Successors; doe grant unto the said Sr Robert Heath his Heires & Assignes by himself or by magistrates & officers duly constituted for that purpose (as before is sayd) shall & may have power from time to time to make & constitute wholesome & convenient Ordinances within the Province aforesaid & be kept & observed as well for the preserving the peace as for the better Government of the people there liveing; & to give publicke notice of them to all whom it doth or may concerne: which Ordinances we will that they be inviolably observed within the sayd Province under the paines expressed in them soe as the sayd Ordinances be consonant to Reason & not repugnant nor contrary, but (as conveniently as may be done) consonant to the laws, statutes & rights of our Realme of England as is aforesaid soe alsoe that the same Ordinances extend not themselves against the right or interest of any person or persons or to distrayne bind or burden in or upon his freehold goods or chattels: or to be received any where then in the same Province or the Isles aforesayd.

Moreover that New Carolana may happily increase by the multitude of people thronging thither & alsoe that they be firmely defended from the incursions of the Barbarous & of other practicall or plundering enemyes. Therefore we for ourselves our Heires & Successors at the will & pleasure of the sayd Sr Robert Heath his heires and assignes, doe give & grant by these presents to all men & our subjects, leiges of our heires and successors both those in present & to come (unless it shall be in an especiall manner forbidden) power, licence & libertye to build & fortifye themselves & their familyes in the sayd Province of Carolana for the publicke safety of their seats there planted, tilled & inhabited with forts castles & other fortifications, with fitting shipes alsoe & convenient furniture for transportation the statute of fugitives or any other whatsoever contrary to these premises in any wise notwithstanding We will alsoe & for Us our Heires & successors out of our great favour we firmely comand constitute ordaine & require that the said Province be in our Allegiance & that all & every our subjects & leiges & of our heires & successors brought or to be brought into the said Province, their children either their already borne or hereafter to be borne are & shall be Naturall and leiges to us our Heires & successors & in all things shall be held, treated reputed & accounted as faithfull leiges of us, our heires & successors borne in our Kingdom of England. And alsoe that they shall possesse lands,

tenements, rents services & Hereditaments whatsoever with our Kingdome of England & other our Dominions to purchase, receive, take, have, hold, buy and possesse & then to use & enjoy & alsoe then to give sell alienate & bequeath & alsoe all libertyes, franchises & priviledges of this our Realme, to have & possess freely quietly & peaceably & that they may use & enjoy them as our leiges borne or to be borne within our Kingdom of England, without impediment, molestation or vexation, claime or grievance from us our Heires & successors whatsoever; any statute, act, Ordinance or provision here upon to the contrary notwithstanding: furthermore that our subjects may be incited with a ready & cheerfull mind, to undertake this expedition with the hope of gaine & the meetnesse of privileges. Know that we out of our especiall favour, certain knowledge & meere motion doe give licence & grant free power, as well to the said Sr Robert Heath Knight his Heires & assignes as to all others who shall goe from time to time to inhabit in Carolana aforesaid, all & singular their goods as well moveable as immovable wares, merchandize alsoe weapons & warlicke instruments offensive & defensive in any ports of ours, our Heires & successors to be laded in shippes, for to be transported into the province of Carolana, by him or his, or their assignes & this without molestation by us our Heires & successors or any officers of us our Heirs or successors, or farmers to us, our Heires & successors: paying notwithstanding to us, our Heires & successors all & all manner of impositions, subsidyes, customes & other Dues for the sayd things wares & merchandises soe exported as are usuall & accustomed, any statute act Ordinance or other thing whatsoever to the contrary notwithstanding. Alwaies provided that before the sayd Goodes, things & merchandises are carried to & loaded in the shippes that licence for them be desired & obtained from the High Treasurer of the Kingdome of England to us, our heires & successors, or the commissioners for our Tresurye or from six or more of the Privy Councell, of us our Heires & successors inscribed under their hands To which Tresurer Commissioners & privy Councell of us our heires & successors or to any sixe or more of them; we for ourselves our Heires & successors have given & granted as by these presents we doe give & grant power to grant licence in the form aforesayd. And because in soe remote a Region, seated among so many barbarous nations it is probable that the incursions as well of those Barbarous as of other enemyes Pirates & Robbers may cause feare. Therefore we for ourselves our Heires & successors have given to the foresayd Sr Robert Heath Knight his heires & assignes by himself his Captains or other his officers, that all men of whatever condition, or wherever borne, being at that time in the Province of Carolana power to call to their colours, to cause

Musters to make warre, to pursue enemyes & Robbers aforesaid by land & sea, even beyond the bounds of his province, and then (with Gods blessing) to overcome & to take, & being taken by right of warre to slay, or according to his pleasure to preserve, & all & every thing which doe appertaine to the right & office of a Captaine Generall or have been used to appertaine to be done & by these presents doe give full & free power as any Captaine Generall ever had.

Will will also & by this our charter doe give power, liberty and Authority to the foresayd Sr Robert Heath Knight his heires & assignes that in case of Rebellion sudden tumult or sedition, if any such shall chance to be which (God forbid) either upon the land within the Province aforesayd, or upon the wide Ocean, either makeing a journey towards Carolana aforesayd or returning from thence, we by these presents for us our heires & successors doe give & grant power and authoritye most ample to himself or by Captaines Deputyes or other their officers authorised to this purpose under their seales, against all authors of innovations, seditions against the Government of him or them, withdrawing themselves speakers evill of the melitia, renegadors, deserters . . . . . or any others whatsoever offending against the matter manner & discipline military shall by them be punished by law militarye soe freely and in such ample manner & forme as any Captaine Generall by the vertue of his office may or could doe.

Furthermore least the way to Honours & Dignityes may seem to be shutt & altogether barr'd up to men honestly borne, & are willing to undertake this present expedition & are desirous in soe remote and far distant a Region to deserve well of us & of our kingdomes in peace & warre for that doe for ourselves our heires & successors give full & free power to the foresayd Sr Robert Heath Knight his heires & assignes to confere favours graces & honours upon those well-deserveing citizens that inhabit within the foresayd province & the same with whatever Titles & dignityes (provided they be not the same as are now used in England) to adorne at his pleasure alsoe to erect villages into Borowes & Borowes into Cittyes for the meritts of the inhabitants and conveniency of the places with priviledges & befitting immunityes to be erected & incorporated, & to doe all other & singular upon the premises which shall seem most convenient to him or them, although they be such which of their owne natures doe require mandates or warrant more especiall then is expressed in these presents And because the beginnings of Colonys & all publicke goods & affayres doe want to labour under divers inconveniences & difficultyes, therefore wee favouring the beginning of this present Colonye, & that those that are molested in one thing may be releived in another

providing by our kingly care, out of our espetiall grace, certaine knowledge & moor motion, by this our charter do give and grant licence to the foresayd Sr Robert Heath his heires & assignes & to all the Dwellers & inhabits of Carolana aforesayd whatsoever both present & to come: That whatsoever wares and merchandises out of the growth & increase of the sayd Province by land or sea, freely to bring by himselfe or his factors or assignes into whatever port of us, our heires & successors of our kingdomes of England or Ireland & them to unlade and otherwise thereof to dispose, or if need be continually to keep for a whole yeare the sayd merchandises from being unladed, or them againe into the same or other shippes to lade, & to export them into what Regions soever they please whither ours or others strangers. Alwaies provided that soe many & such Customes impositions subsidyes & Toles & other dutyes which they are bound to pay to us, our heires and successors & onely such & the like as our other subjects for the time beeing are bound to pay, beyond what & which by noe meanes we will that the inhabitants of the aforesayd Carolana be molested or greived.

And furthermore of our more ample & espetial favour & out of our certaine knowledge & meer motion we for ourselves our heires & successors doe grant to the foresayd Sr Robert Heath Knight his Heires & Assignes full & absolute power and authority of makeing erecting & constituting within the foresayd province of Carolana & the Isles aforesayd soe many or such sea-ports stations of shippes creeks & other places of ladeing for shippes boats & other vessells & in soe many & in such like places & with such rights jurisdictions libertyes & priveledges belonging to the like ports as to him or them shall seeme most expedient & that all & singular shippes boates & other vessells whatsoever, for whatever cause of merchandising comeing to or goeing from the sayd Province shall be laded & unladed only at such ports as shall be erected & appointed soe by the sayd Sr Robert Heath his Heires or assignes any use or custome or any other thing notwithstanding. Alwaies saveing & reserveing to all our subjects of our Kingdom of England our Heires & successors liberty of fishing as well in the sea as in the creeks of the foresayd Province & priveledge to salt harden & dryc fishes upon the shores of the said province; as it hath been reasonably used & enjoyed heretofore anything in these presents to the contrary notwithstanding. All which libertyes & priveledges the subjects of us our heires & successors as is afores^d^ shall enjoy yet without doeing any notable hurt or injurye in any way to the afores^d^ Sr Robert Heath his heires & assignes or to the Dwellers or inhabitants on the ports, creeks & shores aforesayd of the same Province; & more especiall in their Trees there growing; And if any

one committe any such harme or injurey he shall undergoe the peril & danger of the highest displeasure of us our heires & successors & the due chastisem^{t} of the Law. And if by chance hereafter some doubts & questions may be framed about the true sence & meaning of any word clause or sentence contain'd in this our present charter we will, enjoyne & com̄and that alwaies & in all things that interpretation be used & shall be received in all our Courtes which shall be judged more benigne profitable & favourable to the foresayd Sr Robert Heath Knight his Heires & assignes & to the Dwellers & inhabitants of the foresayd Province, provided alwaies that noe interpretation be made by which the religion of the holy God & true christian, or the Allegiance due to us our heires & successors may suffer in the least any lessening prejudice or losse. Neverthelesse we will & our trust in the aforesayd Sr Robert Heath Knight his heires & assignes is & the aforesaid Sr Robert Heath Knight for himselfe, his heires executors & assignes doth agree & grant to & with us our heires & successors that the sayd Sr Robert Heath Knight his heires & assignes in the Province & foresayd Isles to be planted & inhabited shall soe behave themselves in all things as we by our instructions and directions signed with our Royall hand as aforesaid most espetially to instruct & direct them, shall thinke most convenient and necessary for our honour & service.

Neverthelesse alwaies provided that it shall happen the River or Rivelett or Isles aforesayd or other the premises or any part or parcell of the same to be now granted to any person or persons by us or by our deare father King James, or is now actually possessed or inhabited by any of our subjects or by the subjects of any other Christain Prince or State, that then those our letters patents & all in them conteined, soe farre as the conteine soe much of the premises soe granted, and are now so actually possessed & inhabited as is aforesayd shall be void & of noe effect. These our letters patents or anything in them conteined to the contrary in any wise notwithstanding And that expresse mention &c: In witnesse whereof &c: Witnesse the King at Westminster the thirtyeth day of Oct: ℔ l^{re} de privato sigillo And we have thought fit by these presents to exemplifye the Tenour and inrollment of our foresayd letters patents, at the request of the foresayd Sr Robert Heath Knight.

In Testimony whereof we have caused these our letters to be made patents witnesse our selfe at Canbury the fourth day of August in the seventh year of our Reign.

Exam: by us { Rob: Rich / et / Jo: Mychell } clercke̅s.

1638.

[B. P. R. O. VIRGINIA B. T. VOL. 8. D. 3.]

THE LORD MATRAVERS PATENT FOR THE COUNTY OF NORFOLK &c. IN VIRGINIA 22d JANUARY 1637–8.

This Indenture made the two and twentieth of January Anno D^ni^ 1637 and in the thirteenth yeare of the reigne of our Sovereign Lord Charles by the grace of God King of England Scotland France and Ireland Defender of the Faith &c. Between Sr John Harvey Knight Governor for the time being of the Colony of Virginia with the consent of the Council of State of the same of the one part and the Right Honble Henry Lord Matravers on the other part, Witnesseth, That whereas it hath pleased the King's most excellent Matie by his Royall Letters being date the eleventh day of Aprill in the thirteenth yeare of his Maj^e^ reigne to authorize and command mee the said Sr John Harvey with the said Council to assign and set out to the said Henry Lord Matravers and his Heyrs for ever a competent tract of land in the Southern part of the Colony to bear the name of a County and be called the County of Norfolk upon such conditions for the time and manner of planting it as shall be found requisite for the generall good of the Colony and with such powers & priviledges as may be fit for a person of his quality Reserving to his Majesty his heires and successors the yearly rent of twenty shillings to be paid by the said Lord Matravers and his heyres for the said County Now Know Yee that I the said Sr John Harvey Knight Governor and Captain General of Virginia with the consent of the said Councill of State by virtue of His Ma^ts^ said Royall letters to mee and the said Councill directed And in consideration of the undertaking of the said Henry Lord Matravers to transport at his own costs and charges and to settle and plant divers inhabitants in the Colony for the advancement and generall good of the Plantation Have granted allotted assigned and confirmed unto the said Henry Lord Matravers and his Heyrs forever a certain territory and tract of land situate lying and being on the Southern side of James River in a branch of the said River being called and Known by the Indian name of Nansimund river hereafter to be called Matravers river towards the head of the said Nansamum River als Matravers river Being bound from that part of Nansamum river alias Matravers river where it divides itself into branches one degree in Longitude on either side of the river and in latitude to the

height of thirty five degrees northerly Latitude by the name and appellation of the County of Norfolk And further I the s^{d} Sr John Harvey with the consent of the s^{d} Council doe grant and agree to and with the said Henry Lord Matravers and his heires that when he or they have planted and peopled the above mentioned tract of land hereby to him and his heires assigned and appointed That then it shall be lawfull for him the said Henry Lord Matravers to make choice of and enter into and have as much more land in Virginia as is herein contained with the same and the like privileges to be had and chosen in such place and places where no English shall be then settled or inhabited or have made choice of and the same granted to them eyther by Patent or Order of Court To have and to hold the above mentioned Tract of Land according to the lymits and bounds thereof as also all and singular the Lands to be chosen as aforesaid with their and every of their appurtenances with all mynes as well Royall mynes of gold and silver as other mynes and mineralls woods fishings fowlings huntings waters rivers and all other Profits and Commodities and hereditaments whatsoever within the precincts of the aforesaid Territory or Tract of Land or to the foresaid Lands to be chosen unto the said Henry Lord Matravers and his heirs in as large and ample manner as any Grants have heretofore been made to any other Adventurers or Undertakers whatsoever either by the late Treasurer & Company at any time since To be held of our said Sovereign Lord the King his Heirs and Successors as of his Mannor of East Greenwich in free and common soccage by fealty and not in Capite nor by Knight's service Yielding and paying unto our Sovereign Lord the King his Heyres and successors for ever one fifth part of the said Oare of all the Mines of gold and silver which shall be found within the lymits of the said Tract of Land and County of Norfolk and the Lands to be chosen and taken up as aforesaid And likewise yielding & paying unto our said Sovereign Lord the King his Heyres and Successors for the said County of Norfolk the yearly rent of twenty shillings at the Feast of St. Michael the Archangell unto the hands of his Maj. Treasurer for Virginia to beginn after the expiration of the first seven years after the date hereof And further it shall be lawfull to and for the said Henry Lord Matravers or his Heyrs him or their Tenants and Servants and such as he or they shall contract with and employ for the said County to go and returne trade and traffick with the Natives or otherwise within the lymits of the Colony. Also to import and transport their goods and merchandises at their will and pleasure paying only such duties to the Kings Majesty his Heyrs & Successors as the late Treasurer and Company did or ought to have payd viz: Five Pounds ℔ Centum for all imported

goods and Five Pounds ℔ Centum for all exported goods without any other taxes impositions burdens or restraints upon them to be imposed otherwise than by the Grant or Consent by Grand Assembly of the General Colony of Virginia and for the public necessary service thereof And it is further Granted and agreed that the persons so to be transported shall not be taken away nor commanded eyther by the Governor for the time being of Virginia or any other Authority therefrom the business and emploiment of the said Henry Lord Matravers or his Heyrs and others contracted with and employed as aforesaid upon any pretence whatsoever (necessary defence of the Country, preservation of the peace, suppressing tumults arising within the Land and tryals in matters of justice in Criminal cases of life and death or in civil case by appeale onely excepted) And I the said Sr John Harvey with the consent of the Councill aforesaid doe further agree to and with the said Henry Lord Matravers and his Heyrs that it shall be lawfull to and for the said Henry Lord Matravers or his Heyrs to make and ordaine such Officers & Commanders Also to name and to frame such Orders Ordinances and Constitutions from time to time for the rule and goverument ordering & directing of all persons to be transported & settled within the said County So that the said Orders Ordinances & Constitutions be not repugnant to the Laws of England or to the particular Laws of the Colony or to such Orders & Instructions as shall be from time to time directed from the King's Majesty or from the Lords of his Most Honble Privy Councill to the Governor & Councill in Virginia (ordinary appeals to the Court at James City held by the Governor & Council onely excepted) And the said Henry Lord Matravers for him and his heyrs doth Covenant and promise to and with the said Governor and Councill that he or they shall and will within the time or tearme of seaven years from the date hereof plant and secure with a sufficient strength of people the said County of Norfolk herein by these presents granted. And further that the said Henry Lord Matravers or his heyrs shall from time to time during the said seaven yeares make or cause to be made a true Certificate to the Governor and Councill in Virginia for the time being of every person transported and landed in Virginia or shipped for Virginia and dying before arrival to be entered by his Maj. Secretary in Virginia in the Court Rolls kept at James City In witnesse whereof the said Sr John Harvey Knight Governor have to the one part of these present Indentures sett his hand and the Seale of the Colony and to the other part thereof the said Henry Lord Matravers hath sett to his hand and seale

RICH: KEMP.
Secretary

JOHN HARVEY.

1643.

[HENING'S VIRGINIA STATUTES AT LARGE—MARCH, 1643—VOL. 1, P. 262.]

FFOR as much as Walter Austin, Rice Hoe, Joseph Johnson and Walter Chiles for themselves and such others as they shall think fitt to joyn with them, did petition in the Assembly in June 1641 for leave and encouragement to undertake the discovery of a new river or unknown land bearing west southerly from Appomattake river. Be it enacted and confirmed that they and every of them and whom they admitt shall enjoy and possess to them their heires, executors or administrators or assigns all profitt whatsoever they in their particular adventure can make unto themselves by such discovery aforesaid, for fourteen years after the date of the said month January 1641, Provided there be reserved and paid unto his majest[s] use by them that shall be appointed to receive the same, the fifth part Royall Mines whatsoever, Provided also, that if they shall think fitt to employ more than two or three men in the said discovery that they shall then do it by commission from the Governour and Counsell

1653.

[HENING'S VIRGINIA STATUTES AT LARGE—JULY, 1653—VOL. 1, P. 380.]

VPON the petition of Roger Green, clarke, on the behalfe of himselfe, and inhabitants of Nansemund river, It is ordered by this present Grand Assembly than tenn thousand acres of land be granted unto one hundred such persons who shall first seate on Moratuck or Roanoke river and the land lying upon the south side of Choan river and the branches thereof, Provided that such seaters settle advantageously for security, and be sufficiently furnished with amunition and strength, and it is further ordered by the authority aforesaid, That there be granted to the said Roger Green, the rights of one thousand acres of land and choice to take the same where it shall seem most convenient to him, next to those persons who have had a former grant in reward of his charge, hazard and trouble of first discoverie, and encouragement of others for seating those southern parts of Virginia.

1654.

[THURLOE'S STATE PAPERS, VOL. II, P. 273. REPRINTED FROM HAWKS'S HISTORY OF N. C.]

LETTER FROM MR. FRANCIS YARDLEY TO JOHN FARRAR, ESQ.

Sir:— VIRGINIA, LINNEHAVEN, 8th May, 1654.

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In September last, a young man, a trader for beavers, being bound out to the adjacent parts to trade, by accident his sloop left him; and he, supposing she had been gone to Roanoke, hired a small boat, and, with one of his company left with him, came to crave my license to go to look after his sloop, and sought some relief of provisions of me; the which granting, he set forth with three more in company, one being of my family, the others were my neighbors. They entered in at Caratoke, ten leagues to the southward of Cape Henry, and so went to Rhoanoke Island; where, or near thereabouts they found the great Commander of those parts with his Indians a-hunting, who received them civilly, and showed them the ruins of Sir Walter Raleigh's fort, from whence I received a sure token of their being there. * Immediately I dispatched away a boat with six hands, one being a carpenter, to build the King an English house, my promise, at his coming first, being to comply in that matter. I sent £200 sterling in trust to purchase and pay for what land they should like, the which in little time they effected and purchased, and paid for three great rivers, and also all such others as they should like of, southerly; and in solemn manner took possession of the country, in the name, and on the behalf of the Commonwealth of England; and actual possession was solemnly given to them by the great Commander, and all the great men of the rest of the provinces, in delivering them a turf of the earth with an arrow shot into it; and so the Indians totally left the lands and rivers to us, retiring to a new habitation, where our people built the great Commander a fair house, the which I am to furnish with English utensils and chattels.

* * * * * *

Sir, if you think good to aequaint the States with what is done by two Virginians born, you will honor our country. I have at this instant no present worthy your acceptance, but an arrow that came from the Indians

inhabiting on the South Sea, the which we purpose, God willing, to see this summer, *non obstante periculo.*

* * * * *

I humbly take leave, and ever remain, Sir,
Your true honorer and affectionate
Servant to be commanded,
FRANCIS YARDLEY.

For the worshipful JOHN FARRAR, Esq., at his Manor of Little Gidding, in Huntingdonshire.

1662.

[RECORDS OF PERQUIMANS COUNTY, BOOK A, No. 374.]

Know All men by these presents that I, Kilcacenen, King of Yeopim have for a valeiable consideration of satisfaction received with the consent of my people sold, and made over and to George Durant a Parcell of land lying and being on Roneoke Sound and on a River called by the name of Perquimans which. Issueth out of the North Side of the aforesaid Sound which Land at present bears the name of Wecocomicke, begining at a marked Oak Tree, which divides this land from the land I formily sold to Saml Pricklove and extending westerly up the said Sound to a Point or Turning of the aforesaid Perquimans River and so up the eastward side of the said River to a creek called by the name of Awoseake, to-wit;—All the Land betwixt the aforesaid Bounds of Samuel Pricklove and the said Creek; thence to the Head thereof. And thence through the Woods to the first Bounds.

To have and to hold the quiet possession of the same to him and his heirs forever, with All Rights and Priviledges thereunto forever from me or any Person or Persons whatsoever. As witness my hand this first day of March 1661.—

Test: THO. WEAMOUTH
CALEB CALLEWAY.

The mark of
†
KILCOCANEN
OR KISTOTANEN

1663.

[Records of Perquimans County, Book A, No. 376.]

Whereas George Durant Hath Seated a Plantation on Roanoke Sound and on a point called by the name of Wicocombe at, or between two Rivers called by ye name of Perquimans and Katoline and whereas I, George Catchming have obtained a grant of the Honerable Governor of Virginia for the whole Neck betwixt the two Rivers ye which grant was a part Belonging to the said George Durant be it known therefore unto all men by these Presents I the said George Catchmang do assign, make over and deliver unto him the above named George Durant that Parcell of land lying and being on ye same Neck, Begining at a small creek or Branch which issueth out of Perquimans River which divideth this land from the Neck called Langley's Neck extending down ye said River Sound to a small Piece of Ground where ye said Durant did begin to clear but desisted. As also including ye same small piece of ground to ye eastward of his Plantation thence Northerly into the Woods which land I do engage myself my heirs, executors, administrators and assigns to Pattyn ye said & to make over the same being Patyned to him his heirs, executors, administrators & assigns utterly disclaiming any right, title & interest I, the said Catchmang have to ye same although it may be put into my Pattyn. I Witness whereof I have hereunto set my hand this 13th day of March 1662.

GEORGE CATCHMANY.

Witness:

John Jenkins
Edward Remington.

[Reprinted from Revised Statutes of North Carolina, Vol. II, Page 437.]

THE FIRST CHARTER GRANTED BY KING CHARLES THE SECOND, TO THE LORDS PROPRIETORS OF CAROLINA.

Charles the Second, by the grace of God, king of England, Scotland, France and Ireland, Defender of the Faith, &c., To all to whom these present shall come: Greeting:

1st. Whereas our right trusty, and right well beloved cousins and counsellors, Edward Earl of Clarendon, our high chancellor of England, and

George Duke of Albemarle, master of our horse and captain general of all our forces, our right trusty and well beloved William Lord Craven, John Lord Berkley, our right trusty and well beloved counsellor, Anthony Lord Ashley, chancellor of our exchequer, Sir George Carteret, knight and baronet, vice chamberlain of our household, and our trusty and well beloved Sir William Berkley, knight, and Sir John Colleton, knight and baronet, being excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominions, have humbly besought leave of us, by their industry and charge, to transport and make an ample colony of our subjects, natives of our kingdom of England, and elsewhere within our dominions, unto a certain country hereafter described, in the parts of America not yet cultivated or planted, and only inhabited by some barbarous people who have no knowledge of Almighty God.

2d. And whereas the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, have humbly besought us to give, grant and confirm unto them and their heirs, the said country, with priviledges and jurisdictions requisite for the good government and safety thereof: Know ye, therefore, that we, favouring the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, of our special grace, certain knowledge and meer motion, have given, granted and confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, all that territory or tract of ground, scituate, lying and being within our dominions of America, extending from the north end of the island called Lucke island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid; together with all and singular ports, harbours, bays, rivers, isles and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountains, fields, lakes, rivers, bays and islets, scituate or being within the bounds or limits aforesaid,

with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the sea, bays, islets and rivers within the premises, and the fish therein taken; and moreover all veins, mines, quarries, as well discovered as not discovered, of gold, silver, gems, precious stones, and all other whatsoever, be it of stones, metals, or any other thing whatsoever, found or to be found within the countries, isles and limits aforesaid.

3d. And furthermore, the patronage and advowsons of all the churches and chappels, which as Christian religion shall increase within the country, isles, islets and limits aforesaid, shall happen hereafter to be erected, together with license and power to build and found churches, chappels and oratories, in convenient and fit places, within the said bounds and limits, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England, together with all and singular the like, and as ample rights, jurisdictions, priviledges, prerogatives, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

4th. To have, use, exercise and enjoy, and in as ample manner as any bishop of Durham in our kingdom of England, ever heretofore have held, used or enjoyed, or of right ought or could have, use, or enjoy. And them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, we do by these presents, for us, our heirs, and successors, make, create and constitute the true and absolute Lords Proprietors of the country aforesaid, and of all other the premises; saving always the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, and saving also the right, title and interest of all and every our subjects of the English nation, which are now planted within the limits and bounds aforesaid (if any be). To have, hold, possess and enjoy the said country, isles, islets, and all and singular other the premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns forever, to be holden of us, our heirs and successors, as of our manner of East Greenwich in our county of Kent, in free and common soccage, and not in capite, or by knight service; yielding and paying yearly to us, our heirs and successors, for the same, the yearly rent of twenty marks of lawful money of England, at the feast of All Saints, yearly forever, the first payment thereof to begin and to be made on the feast of All Saints, which shall be in the year of our Lord

one thousand six hundred and sixtyfive, and also the fourth part of all gold or silver ore, which, within the limits aforesaid, shall from time to time happen to be found.

5th. And that the country, thus by us granted and described, may be dignified by us with as large titles and priviledges as any other part of our dominions and territories in that region, Know ye, that we of our further grace, certain knowledge, and meer motion, have thought fit to erect the same tract of ground, county, and island, into a province, and out of the fulness of our royal power and prerogative, we do, for us, our heirs and successors, erect, incorporate and ordain the same into a province, and call it the Province of Carolina, and so from henceforth will have it called; and forasmuch as we have hereby made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, the true lords and proprietors of all the province aforesaid; Know ye, therefore moreover, that we, reposing especial trust and confidence in their fidelity, wisdom, justice and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, for the good and happy government of the said province, to ordain, make, enact, and under their seals to publish any laws whatsoever, either appertaining to the publick state of the said province, or to the private utility of particular persons, according to their best discretion, of and with the advice, assent and approbation of the freemen of the said province, or of the greater part of them, or of their delegates or deputies, whom for enacting of the said laws, when and as often as need shall require, we will that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, shall from time to time assemble in such manner and form as to them shall seem best, and the same laws duly to execute upon all people within the said province and limits thereof, for the time being, or which shall be constituted under the power and government of them or any of them, either sailing towards the said province of Carolina, or returning from thence towards England, or any other of our, or foreign dominions, by imposition of penalties, imprisonment, or any other punishment; yea, if it shall be needfull, and the qual-

ity of the offence requires it, by taking away member and life, either by them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, and their heirs, or by them or their deputies, lieutenants, judges, justices, magistrates, officers and members to be ordained or appointed according to the tenor and true intention of these presents; and likewise to appoint and establish any judges or justices, magistrates or officers whatsoever, within the said province, at sea or land, in such manner and form as unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton and their heirs shall seem most convenient; also, to remit, release, pardon and abolish (whether before judgment or after) all crimes and offences whatsoever, against the said laws, and to do all and every other thing and things, which unto the compleat establishment of justice unto courts, sessions, and forms of judicature and manners of proceedings therein do belong, although in these presents express mention be not made thereof; and by judges and by him or them delegated, to award process, hold pleas, and determine in all the said courts, and places of judicature, all actions, suits and causes whatsoever, as well criminal or civil, real, mixt, personal, or of any other kind or nature whatsoever; which laws, so as aforesaid to be published, our pleasure is, and we do require, enjoin and command, shall be absolute, firm and available in law, and that all the liege people of us, our heirs and successors, within the said province of Carolina, do observe and keep the same inviolably in those parts, so far as they concern them, under the pains and penalties therein expressed, or to be expressed: *Provided nevertheless*, that the said laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our kingdom of England.

6th. And because such assemblies of freeholders cannot be so conveniently called, as there may be occasion to require the same, we do, therefore, by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves or their magistrates, in that behalf lawfully authorized, full power and authority, from time to time to make and ordain fit and wholesome orders and ordinances, within the province aforesaid, to be kept and observed as well for the keeping of the peace, as for the better govern-

ment of the people there abiding, and to publish the same to all to whom it may concern; which ordinances, we do by these presents streightly charge and command to be inviolably observed within the said province, under the penalties therein expressed, so as such ordinances be reasonable, and not repugnant or contrary, but as near as may be, agreeable to the laws and statutes of this our kingdom of England, and so as the same ordinances do not extend to the binding, charging, or taking away of the right or interest of any person or persons, in their freehold, goods or chattels whatsoever.

7th. And to the end the said province may be the more happily increased, by the multitude of people resorting thither, and may likewise be the more strongly defended from the incursions of salvages and other enemies, pirates and robbers, therefore we, for us, our heirs and successors, do give and grant by these presents, power, license and liberty unto all the liege people of us, our heirs and successors in our kingdom of England or elsewhere, within any other our dominions, islands, colonies or plantations, (excepting those who shall be especially forbidden,) to transport themselves and families unto the said province, with convenient shipping and fitting provisions, and there to settle themselves, dwell and inhabit, any law, statute, act, ordinance, or other thing to the contrary in any wise notwithstanding. And we will also, and of our more special grace, for us, our heirs and successors, do streightly enjoin, ordain, constitute and command, that the said province of Carolina, shall be of our allegiance, and that all and singular the subjects and liege people of us, our heirs and successors, transported or to be transported into the said province, and the children of them and of such as shall descend from them, there born or hereafter to be born, be and shall be denizons and lieges of us, our heirs and successors of this our kingdom of England, and be in all things held, treated, and reputed as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or any other of our dominions, and may inherit or otherwise purchase and receive, take, hold, buy and possess any lands, tenements or hereditaments within the same places, and them may occupy, possess and enjoy, give, sell, aliene and bequeathe; as likewise all liberties, franchises and priviledges of this our kingdom of England, and of other our dominions aforesaid, and may freely and quietly have, possess and enjoy, as our liege people born within the same, without the least molestation, vexation, trouble or grievance of us, our heirs and successors, any statute, act, ordinance, or provision to the contrary notwithstanding.

8th. And furthermore, that our subjects of this our said kingdom of England, and other our dominions, may be the rather encouraged to undertake this expedition with ready and chearful minds, know ye, that we of our special grace, certain knowledge, and meer motion, do give and grant by virtue of these presents, as well to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, as unto all others as shall from time to time repair unto the said province, with a purpose to inhabit there, or to trade with the natives of the said province, full liberty and license to lade and freight in any port whatsoever, of us, our heirs and successors, and into the said province of Carolina, by them, their servants or assigns, to transport all and singular their goods, wares and merchandises, as likewise all sorts of grain whatsoever, and any other things whatsoever, necessary for the food and clothing, not prohibited by the laws and statutes of our kingdoms and dominions, to be carried out of the same, without any let or molestation of us, our heirs and successors, or of any other of our officers, or ministers whatsoever, saving also to us, our heirs and successors, the customs and other duties and payments, due for the said wares and merchandises, according to the several rates of the places from whence the same shall be transported. We will also, and by these presents, for us, our heirs and successors, do give and grant license by this our charter, unto the said Edward Earl of Clarendon, George Duke of Albemarle, Willlam Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and to all the inhabitants and dwellers in the province aforesaid, both present and to come, full power and absolute authority to import or unlade by themselves or their servants, factors or assigns, all merchandises and goods whatsoever, that shall arise of the fruits and commodities of the said province, either by land or by sea, into any of the ports of us, our heirs and successors, in our kingdom of England, Scotland or Ireland, or otherwise to dispose of the said goods, in the said ports; and if need be, within one year next after the unlading, to lade the said merchandises and goods again into the same or other ships, and to export the same into any other countries either of our dominions, or foreign, being in amity with us, our heirs and successors, so as they pay such customs, subsidies, and other duties for the same, to us, our heirs and successors, as the rest of our subjects of this our kingdom, for the time being, shall be bound to pay, beyond which we will not, that the inhabitants of the said province of Carolina, shall be any ways charged.

9th. *Provided nevertheless*, and our will and pleasure is, and we have further for the consideration aforesaid, of our more especial grace, certain knowledge and meer motion, given and granted, and by these presents, for us our heirs and successors, do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, full and free license, liberty and authority, at any time or times, from and after the feast of St Michael the archangel, which shall be in the year of our Lord Christ, one thousand six hundred sixty and seven, as well to import, and bring into any of our dominions from the said province of Carolina, or any part thereof, the several goods and commodities, hereinafter mentioned, that is to say, silks, wines, currants, raisins, capers, wax, almonds, oyl and olives, without paying or answering to us, our heirs or successors, any custom, import, or other duty, for and in respect thereof, for and during the term and space of seven years, to commence and be accompted, from and after the first importation of four tons of any the said goods, in any one bottom, ship or vessel from the said province, into any of our dominions, as also to export and carry out of any of our dominions, into the said province of Carolina, custom free, all sorts of tools which shall be usefull or necessary for the planters there, in the accommodation and improvement of the premises, any thing before, in these presents contained, or any law, act, statute, prohibition or other matter, or any thing heretofore had, made, enacted or provided, or hereafter to be had, made, enacted or provided, to the contrary, in any wise notwithstanding.

10th. And furthermore, of our own ample and especial grace, certain knowledge and meer motion, we do for us, our heirs and successors, grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, full and absolute power and authority, to make, erect and constitute, within the said province of Carolina, and the isles and islets aforesaid, such and so many seaports, harbours, creeks and other places, for discharge and unlading of goods and merchandises, out of ships, boats and other vessels, and for lading of them, in such and so many places, and with such jurisdiction, priviledges and franchises unto the said ports belonging, as to them shall seem most expedient, and that all and singular the ships, boats and other vessels, which shall come for merchandises and trade into the said province, or shall depart out of the same, shall be laden and unladen at such ports only, as shall be erected and constituted

by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and not elsewhere, any use, custom or any other thing to the contrary, in any wise notwithstanding.

11th. And we do furthermore will, appoint and ordain, and by these presents for us, our heirs and successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, may from time to time forever, have and enjoy, the customs and subsidies in the ports, harbours, creeks and other places within the province aforesaid, payable for goods, merchandise and wares, there laded or to be laded, or unladed, the said customs to be reasonably assessed, upon any occasion, by themselves, and by and with the consent of the free people there, or the greater part of them as aforesaid; to whom we give power by these presents, for us, our heirs and successors, upon just cause and in a due proportion, to assess and impose the same.

12th. And further, of our special grace, certain knowledge, and meer motion, we have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full and absolute license, power and authority, that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns, from time to time, hereafter, forever, at his and their will and pleasure, may assign, alien, grant, demise, or enfeof the premises, or any part or parcels thereof, to him or them that shall be willing to purchase the same, and to such person or persons as they shall think fit, to have and to hold, to them the said person or persons, their heirs or assigns, in fee simple or fee tayle; or for term for life, or lives, or years, to be held of them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, by

such rents, services and customs, as shall seem meet to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and not immediately of us, our heirs and successors, and to the same person and persons, and to all and every of them, we do give and grant by these presents, for us our heirs and successors, license, authority and power, that such person or persons, may have or take the premises, or any parcel thereof, of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, and the same to hold, to themselves, their heirs or assigns, in what estate of inheritance whatsoever, in fee simple, or fee tayle, or otherwise, as to them and the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, shall seem expedient; the statute made in the parliament of Edward, son of King Henry, heretofore king of England, our predecessor, commonly called the statute* of *"quia emptores terrarum;"* or any other statute, act, ordinance, use, law, custom or any other matter, cause or thing heretofore published, or provided to the contrary, in any wise notwithstanding.

13th. And because many persons born, or inhabiting in the said province for their deserts and services, may expect and be capable of marks of honor and favor, which, in respect of the great distance, cannot be conveniently conferred by us; our will and pleasure therefore is, and we do by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power and authority, to give and confer, unto and upon, such of the inhabitants of the said province, as they shall think do or shall merit the same, such marks of favour and titles of honour as they shall think fit, so as these titles of honour be not the same as are enjoyed by, or conferred upon any the subjects of this our kingdom of England.

14th. And further also, we do by these presents, for us, our heirs and successors, give and grant license to them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berk-

*18 Ed. 1. West. 3 c. 1 p. 45.

ley, and Sir John Colleton, their heirs and assigns, full power, liberty and license to erect, raise and build within the said province and places aforesaid, or any part or parts thereof, such and so many forts, fortresses, castles, cities, buroughs, towns, villages and other fortifications whatsoever, and the same or any of them to fortify and furnish with ordinance, powder, shot, armory, and all other weapons, ammunition, habilements of war, both offensive and defensive, as shall be thought fit and convenient for the safety and welfare of the said province and places, or any part thereof, and the same, or any of them from time to time, as occasion shall require, to dismantle, disfurnish, demolish and pull down, and also to place, constitute and appoint in and over all or any of the castles, forts, fortifications, cities, towns and places aforesaid, governors, deputy governors, magistrates, sheriffs and other officers, civil and military, as to them shall seem meet, and to the said cities, buroughs, towns, villages, or any other place or places within the said province, to grant "letters or charters of incorporation," with all liberties, franchises and priviledges, requisite and usefull, or to or within any corporations, within this our kingdom of England, granted or belonging; and in the same cities, buroughs, towns, and other places, to constitute, erect and appoint such and so many markets, marts and fairs, as shall in that behalf be thought fit and necessary; and further also to erect and make in the province aforesaid, or any part thereof, so many mannors as to them shall seem meet and convenient, and in every of the said mannors to have and to hold a court baron, with all things whatsoever which to a court baron do belong, and to have and to hold views of "frank pledge" and "court leet," for the conservation of the peace and better government of those parts, within such limits, jurisdictions and precincts, as by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or their heirs, shall be appointed for that purpose, with all things whatsoever, which to a court leet, or view of frank pledge do belong, the said court to be holden by stewards, to be deputed and authorized by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or their heirs, or by the lords of other mannors and leets, for the time being, when the same shall be erected.

15th. And because that in so remote a country, and scituate among so many barbarous nations, and the invasions as well of salvages as of other enemies, pirates and robbers, may probably be feared; therefore we have

given, and for us, our heirs and successors, do give power, by these presents, unto the said Edward, Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves, or their captains, or other their officers, to levy, muster and train all sorts of men, of what condition or wheresoever born, in the said province for the time being, and to make war and pursue the enemies aforesaid, as well by sea as by land, yea, even without the limits of the said province, and by God's assistance to vanquish and take them, and being taken to put them to death by the law of war, or to save them at their pleasure; and to do all and every other thing, which unto the charge of a captain general of an army belongeth, or hath accustomed to belong, as fully and freely as any captain general of an army hath or ever had the same.

16th. Also our will and pleasure is, and by this our charter we give unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power, liberty and authority, in case of rebellion, tumult or sedition, (if any should happen,) which God forbid, either upon the land within the province aforesaid, or upon the main sea, in making a voyage thither, or returning from thence, by him or themselves, their captains, deputies and officers, to be authorized under his or their seals for that purpose, to whom also, for us, our heirs and successors, we do give and grant by these presents, full power and authority, to exercise martial law against mutinous and seditious persons of those parts, such as shall refuse to submit themselves to their government, or shall refuse to serve in the wars, or shall fly to the enemy, or forsake their colours or ensigns, or be loyterers or straglers, or otherwise howsoever offending against law, custom or discipline military, as freely and in as ample manner and form as any captain general of an army by vertue of his office, might or hath accustomed to use the same.

17th. And our further pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and to all the tenants and inhabitants of the said province of Carolina, both present and to come, and to every of them, that the said province and the tenants and inhabitants thereof, shall not from henceforth be held or reputed a mem-

ber or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their government in any thing, but be absolutely seperated and divided from the same; and our pleasure is, by these presents, that they be seperated, and that they be subject immediately to our crown of England, as depending thereof forever; and that the inhabitants of the said Province, nor any of them, shall at any time hereafter be compelled or compellable, or be any ways subject or liable to appear or answer to any matter, suit, cause or plaint whatsoever, out of the Province aforesaid, in any other of our islands, colonies or dominions in America, or elsewhere, other than in our realm of England, and dominion of Wales.

18th. And because it may happen that some of the people and inhabitants of the said province, cannot in their private opinions, conform to the publick exercise of religion, according to the liturgy, form and ceremonies of the church of England, or take and subscribe the oaths and articles, made and established in that behalf, and for that the same, by reason of the remote distances of these places, will, we hope be no breach of the unity and uniformity established in this nation, our will and pleasure therefore is, and we do by these presents, for us, our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full and free licensè, liberty and authority, by such legal ways and means as they shall think fit, to give and grant unto such person or persons, inhabiting and being within the said province, or any part thereof, who really in their judgments, and for conscienee sake, cannot or shall not conform to the said liturgy and ceremonies, and take and subscribe the oaths and articles aforesaid, or any of them, such indulgencies and dispensations in that behalf, for and during such time and times, and with such limitations and restrictions as they, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs or assigns, shall in their discretion think fit and reasonable; and with this express proviso, and limitation also, that such person and persons, to whom such indulgencies and dispensations shall be granted as aforesaid, do and shall from time to time declare and continue, all fidelity, loyalty and obedience to us, our heirs and successors, and be subject and obedient to all other the laws, ordinances, and constitutions of the said

province, in all matters whatsoever, as well ecclesiastical as civil, and do not in any wise disturb the peace and safety thereof, or scandalize or reproach the said liturgy, forms and ceremonies, or anything relating thereunto, or any person or persons whatsoever, for or in respect of his or their use or exercise thereof, or his or their obedience and conformity, thereunto.

19th. And in case it shall happen, that any doubts or questions should arise, concerning the true sense and understanding of any word, clause or sentence contained in this our present charter, we will, ordain and command, that at all times, and in all things, such interpretation be made thereof, and allowed in all and every of our courts whatsoever, as lawfully may be adjudged most advantageous and favourable to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, although express mention be not made in these presents, of the true yearly value and certainty of the premises, or any part thereof, or of any other gifts and grants made by us, our ancestors, or predecessors, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or any other person or persons whatsoever, or any statute, act, ordinance, provision, proclamation or restraint, heretofore had, made, published, ordained or provided, or any other thing, cause or matter, whatsoever, to the contrary thereof, in any wise notwithstanding.

In Witness, &c.

Witness the King, at Westminster, the four and twentieth day of March, in the fifteenth year of our reign, (1663.)

PER IPSUM REGEM.

[B. P. R. O. Colonial Entry Bk. Vol. 20. p. 1.]

Saterday May 23rd 1663.

Present

The Lord Duke of Albemarle
My Lord Craven
My Lord Berkeley
My Lord Ashley
Mr Vice Chamberline
Sr Jno. Colleton

Ordered

1. That —— Lepreyrie be Ingeneir & Surveyo^{r} for Carrolina

2. That he be allowed until some other way be found for his subsistance twenty shillings weekly to be paid him by Sir Jno. Colleton.

3. That Sir Jno. Colleton be paid from each respective Propryator 25£ to be by him disburst as he shall receave ord^{r} from the Major parte of the Propryators

4. That there be reserved in every setlem^{t} for ye Propryators the quantity of 20000 Acres in such place or places as they or there Agents shall see fitt to take up & that the same be bounded & leyed out for them in ye beginning of each Setlement

5. That in each Setlement the Court howses & howses for publique meetings be setled on the land & taken up & leyed out for the Propryators.

6. That mapps be printed of the Province and some declaration drawne to invyte the planters with the conditions before mentioned & both published.

[B. P. R. O. Colonial Papers. Vol. 17. No. 39.]

SIR JOHN COLLETON TO DUKE OF ALBEMARLE 10 JUNE 1663.

May it please your Grace,

There are divers people that desire to settle and plant in His Maj. Province of Carolina under the patent granted to your Grace and others but that there is another like to that Province started by one Mr Mariot, steward to the Duke of Norfolk grounded on a patent granted in the yeare 1629 now above thirty fowre years to Sir Robert Heath and by him assigned to the Ancestors of the now Duke of Norfolk wch patent relates to certaine Articles to bee performed on the part of Sir Robert Heath, the patent is recorded but the Articles appeere not in the records but the said Mr Mariot (who lives in Chancery Lane at the next door to the Harrowe) pretends he has the patent and articles which being in force and not declined or made voide will certainely hinder that publique worke which is intended by the settlement and planting of Carolina, for the persons that at present designe thither expect liberty of conscience and without that will not goe, wch by the patent to Sr Robert Heath cannot bee granted them and they cannot settle under the patent least the

other gentlemen shall give them trouble or disturbance So that there is a necessity of the present removall of that obstacle which is humblie left to the consideracon of yor Grace and the other noble persons concern'd

Yo^{r} Grace's most humble servant

JNO. COLLETON.

Cockpitt 10 Junii 1663.

[B. P. R. O. Colonial Papers. Vol. 17. No. 39. 1.]

STATE OF THE CASE OF THE DUKE OF NORFOLK'S PRETENSIONS TO CAROLINA. [INCLOSED IN SIR JOHN COLLETON'S LETTER OF 10 JUNE 1663.]

The 13th of 8^{ber} in ye 5th year of King Charles the First was granted to Sir Robert Heath the reagion or Province of Carrolina leying within the latitude of 31 and 36 inclusive upon the condition y^{t} ye said Sr Robert Heath or his assignes plant ye s^{d} Province according to such Articles or Instructions as his then Majesty had given him under his sign Manuell & privie Signett signed by his Secretary of State bearing date with the grant afores^{d}

Mr Samuell Vassell had as he pretends an Assignem^{t} from Sr Robt. Heath for a tearme not yet expyred for ye lattitude of 31, 32, & 33 & ye heires of Sr Richard Greenefeild for ye remayneing part being 34, 35 & 36 who say they never heard of any pretence by Mr Howard or any of his Ancesters untill within these three monthes neither hath Mr Howard shewn any pattent or grant for ye same but pretends by discourse abroad y^{t} ye pattent to Sr Robert Heath was taken in trust by s^{d} Heath for some of his Ancestors.

Mr Howard shewes no right nor the Artickles or Instructions by wch he was to plant although often sent for by Mr Atturney Gen^{ll} to Mr Merriott Mr Howardes Sollissiter.

Neither hath Sr Robt. Heath, Mr Howard or any of his Ancestors Mr Rich Greenefeild or Mr Vassell or any of their Assignes planted any part of this Province there being about 35 years past since ye grant

Severall persons have a desire to plant in ye s^{d} Province under the pattent granted by his now Maj. to my Lord High Chancellor, ye Duke of Albemarle & others but refusing to plant under the pattent to Sir Robt. Heath & forbare to plant under the latter untill ye first be made voyde

least when they have planted they shall receave trouble by ye first pattent by meanes whereof the settlement of that hopefull collony wilbe lost. It is therefore to be humbly desired y^t^ his Maj. wilbe graciously pleased by an Act of Councell to resume ye pattent to Sr Robt. Heath & all Grants from it because they have not planted nor doe not shew ye Artickles or Instructions menc̄oned in s^d^ pattent whereby ye settlem^t^ may goe forward whylst many people have stronge desires to it wch will otherwayse dye and hardly be revyved againe.

[Mass. Hist. Collections—Third Series—Vol. I., p. 56. Reprinted from Hawks's History of N. C.]

LETTER FROM THE ENGLISH MEMBERS OF THE CAPE FEAR COMPANY TO THE LORDS PROPRIETORS.

From London, August, 1663. *At a Meeting of Adventurers about Cape Fayre.*

London, Thursday, August the 6th, 1663.

At a meetiug of several persons, who have, with several others of New England, subscribed themselves as adventurers for the carrying on a plantation in Charles River on the coast of Florida.

1. Whereas a paper in the name of the right honorable the Earl of Clarendon, lord high chancellor of England, George, duke of Albemarle, and divers other right honorable persons, to whom the whole coast of Florida hath been lately granted by his most excellent majesty, hath been sent down to the said adventurers, referring to certain proposals tendered to their said lordships, as the proper act and desires of the said adventurers, and being an answer to the said proposals; the said adventurers, upon diligent inquiry, not being able to find out who should be the author of the said paper, do judge it their duty, in all humbleness, to acquaint their lordships that they are altogether strangers to it, and know nothing of the delivery of it.

2. That upon consideration, nevertheless, of their lordships' said paper, and of several concessions, privileges, and immunities therein freely offered by their lordships for the encouragement of the said adventurers, and for the further promoting of the said plantation of Charles River, the said adventurers cannot but acknowledge the greatness of the favor

and condescension of their said lordships to them, upon the confidence and assurance of which they crave leave further to represent to their lordships—

3. That as they were invited at first to be subscribers to the said plantation of Charles River, by several persons of New England, so the great motive that did principally induce them to the said subscription was the liquid and clear assurance that was given them, that the said New Englanders, had an equitable title to the harbor and soil of the said river, together with the lands adjacent; and that though many others of quality had long before indeed sailed upon the coast of Forida, and had settled and taken possession of some other part of that large and vast country, yet that the said New Englanders, and they only, were the first that did ever, *bona fide*, set foot in that particular harbor, and that did find out the entrance and discovery of the said river.

Which thing, as it hath been confidently represented from these of New England unto the said adventurers here, so, upon the very ground of that as a truth, as also of the general custom in that and other plantations (as well Dutch and French as English), that all that buy lands of the chief kings in those places (who only challenge to themselves the having a right to the sale of them), shall enjoy the absolute benefit and property of them against all persons, English or others; the said New Englanders having purchased the said river and soil, and lands adjacent, of the said kings, did so far presume upon the interest of the said purchase, together with the said discovery, as to give directions to several of their friends here immediately to apply to his majesty for a patent for the said river and soil, as belonging (according to their apprehension) of right to them, and as no way doubting the obtaining thereof, as may appear by the copy of their said letter hither.

4. The said adventurers further humbly represent, That as upon these grounds, and these only, they became invited to share in the adventures of those in New England, and to cast in at first a small sum for an assistance or supply to the said undertaking; so, forasmuch as the said adventurers here do act but as a minor part of those other adventurers there, and as wholly intrusted also from those there, they find not themselves qualified or enabled to do any thing therefore here that may prejudice or conclude the other adventurers there, in that which may be their just pretension or supposition of a right, how weak or how much mistaken soever the ground of that right may possibly appear, which they determine not.

The said adventurers further humbly represent—

5. That there cannot be any easy encouragement for the planting of the lands of the said Charles River immediately from hence, by reason of the excessive and insupportable charge that would attend such an undertaking of transporting and supplying all things necessary for the said plantation, at so great and so extraordinary a distanee; that as the undertaking, therefore, of the said plantation, and vigorous prosecution of it with men, cattle, and all other provisions as shall be judged necessary for the accomplishing and completing so great an engagement and action, must rationally be begun in, and set forth from, some other of the plantations abroad; so none is humbly conceived to be so fit to supply all those necessaries in abundance at first, and to do it at so easy a rate, as that of New England is.

But forasmueh as all the English living in the several colonies of New England have ever held and enjoyed the benefits granted to other corporations, and have ever had, as well as some other plantations, full liberty to choose their own governors among themselves, to make and confirm laws with themselves, with immunity also wholly from all taxes, charges, and impositions, whatsoever, more than what is laid upon themselves by themselves; it is therefore the humble opinion of the said adventurers, and (as what they fear) is humbly tendered to the considerations of their lordships—

That the said several adventurers in New England, who have some of them considerable interests and estates there, how much soever they have declared their willingness, forwardness, and resolution to transport and remove themselves and their respective families unto the said Charles River, and to settle there, will nevertheless decline the said resolution again; and will not, by any arguments that may be used by the said adventurers here, be induced to unsettle themselves, and to run all the hazards that must be considered in such doubtful undertakings; nor, if willing, will be able to persuade others to join with them there, if they shall hear, or be acquainted beforehand, that no one of the said privileges before mentioned, and which have hitherto always been enjoyed by them, are like to be allowed or preserved entire to them.

The said adventurers do further represent, that at the present the undertaking of the plantation of the said Charles River lieth under some obloquy, that hath given a check to it; some that were sent from New England thither, in order to the carrying on the said settlement, being come back again without so much as sitting down upon it; and for the better justification of themselves in their return, have spread a reproach

both upon the harbor and upon the soil of the river itself; which check, if now also seconded with a discouragement from hence, in reference to their government, or with an intimation that they may not expect in the same river the same usual and accustomed privileges, that all the said colonies of New England, with other colonies, have ever had, it is humbly feared that all thoughts of further proceeding in the said river will be wholly laid aside by them.

Wherefore, inasmuch as the said adventurers here have only power to return back to those of New England what they shall receive as the pleasure of those right honorable persons that are the lords patentees; forasmuch, also, as from the several discourses had and favors already received, the said adventurers here cannot but have a strong confidence of their lordships' inclination and propenseness to give all just and possible encouragement to undertakings, so public as all things of this nature are; the said adventurers could not find any way better how to discharge the faithfulness of that duty and respect which becomes them to demonstrate towards their lordships, than thus candidly and sincerely to state to their lordships the nature of their adventure, partnership, and subscription with others, the nature also of their dependence on others, as being but a minor part to them of New England, and as having their discretions here intrusted, at furthest, no further than for the obtaining and securing such things, too, for them of New England, as are pursuant to the directions sent hither from them, and as they here shall judge may most tend to a satisfactory and lasting encouragement to them.

[B. P. R. O. Col: Ent: Book. No. 20. p. 10.]

PROPOSEALLS OF SEVERALL GENTLEMEN OF BARBADOES AUGUST THIS 12TH 1663.

Severall gentlemen and persons of good quality in this Island being very sensible of the great loss and sad disappoyntment that might redownd to the English nation in Generall as well as to many particular persons y^{t} ingaiged and intended to ingaige in the settlement of an Engligh plantation in that goodly land of Florida by the eivill report bruited thereof, by those sent from new England to setle at Cape Faire contrary to what Mr William Hinton and the rest with him sent to discover that coast did and doe affirme thereof, and having greate confidence in the said

Hinton's fidellity and honest indeavowrs therein, have out of an earnest desire and confident persuasion of a happy settlement for our English nation in those parts, now againe hired and sent the above said Mr Hinton with his ship adventure and twenty two men well fitted and victualled for 7. months for discovery of that coast southwards from Cape Faire as far as 31. degrees north latitude: in which design of discovery there are and will be above 2 hundred gentlemen and amongst them many persons of good quallity in this Island, whoe are and wilbe at a considerable charge therein.

The said Adventures doe earnestly with all Humillity desire and request that those Noble undertakers whoe have lately obtayned a charter of the Province of Carrolina from his Royall Maj^tie^ wilbe pleased with as much convenient speede as may be to send them an examplification of there said Charter under the broade seale of England fully recited; and togeather therewith and by vertew of the said charter to impower and authorize the aforesaid Adventurers or such of them as the said Grantees shall judge fitt to nominate togeather with the rest of there Assotiates and freinds, them there heires and assignes to take up and purchase of the natives such certine tract or tracts of Lands as they and such as they shall send theither to setle may or shall finde fitt for the accommodation of themselves and of there freinds there, in the forme and manner of a County or Corporation, not exceeding or about the quantity of thirty or thirty two myles square, or one thousand square myles which they desire may be called the Corporation of the Barbados Adventures, and that the said tract or tracts of land, County or Corporation, they desire may be granted and confirmed to them and there Assotiates, and to theire heires and assignes for ever, in full, free and ample manner and with the same power, priviledges, jurisdictions and Immunityes as the aforesaid Province is granted to them by his Majestie. And if any more or other rents, acknowledgements or services be or shalbe desired, expected or required then the proportion of what is by them the said pattentes or first undertakers to be paid and allowed to his Majestie it may be by them assertined and expresly set downe in there said Graunte to these said Barbados Adventures, before they shalbe at further Cost, Charge or troble to setle it which they desire to know as soon as may be for that heare are many hundreds of noble famillyes and well experienced planters that are willing and ready to remove spedily theither to begin a setlement as aforesaid and to beare the brunt thereof, if they shall receave such incorragement as is expected as aforesaid from soe noble and worthy undertakers as we do understand are concerned as principalls in said Charter which

priviledges and incorragements they are the rather boald to expect Adventures not onely for there vigorous and ready appearing to promote the further discovery and hopeful setlement there of at such a time as this, when soe greate a cloude of obscurity was cast upon it but alsoe from the aptness of the people heare and persons heare ingaged to further such a work as well for there experieneed planters as for the number of there Negros and other servants fitt for such labor as wilbe there required, and doe alsoe find the less cause to doubt of the desired trust to be reposed in them, in regard many of there number consists of persons of good quallity fitt to manage the Government of soe considerable a corporation, whoe with there freinds and associates doe desire to expect to have the sole power of electing all delligates, Governors and officers, and making Lawes, and goverening amongst themselves according to the tenor and Priviledges of the said Graunte or charter from his Majestie, which if granted soe, as to incorrage such a free and noble setlement as they beleive and hope is aymed at; will much promote the good and seedy setlement of many other very considerable corporations within the Territory and Dominions of the aforesaid Province.

That alsoe desire that a Proclamation may be procured from the Kinge directed to all Governors in these his Majestie's plantations, requiring them not to hinder any free and uningaiged persons from going theither to setle upon any frivilus pretences whatsoever: but rather to further the good and speedy settlement thereof that possible may be in order whereunto; and that those noble persons to whom the Charter is graunted may the better know whome to appoynt and nominate as Prime Adventurers and undertakers of the before mentioned corporation, the said Adventurers doe intend by the next to send a list of such persons names as have already subscribed and of the committe by them choasen to manage affaires heare for this yeare and untill some shalbe sent theither to performe the same upon the place unless the said undertakers in England shall please to leave in blancke the place for the said Committe; to put in such persons names as they shall judge most fitt and find willing to goe speedily theither to begin the said settlement there.

My Lord,

We humbly advize you will be pleased to appoynt some persons with your Instructions to treate with them on there proposealls, and wee conceave to bringe them to accept of by Lawes onely in steede of Generall Laws, which they desire to have power to make it being fitt the whole Country should make the Generall Lawes and that the Governors they meane to choose should bee only such as in the Citty of Exon

vizt: Mayors, Aldermen, Sherifes, Cunstables, and the like, this wee conceave may sattisfie them, otherwayse they wilbe disturbed in Government which may cause

Your humble servants
THO: MODYFORD
P: COLLETON.

[B. P. R. O. SHAFTESBURY PAPERS. BDLE. 48. No. 2.]

AT THE COURT AT WHITEHALL

The 12th Day of August 1663.

His Matie this day taking into consideration the State and present Condition of the Province or Region called Carolina in America and his Grant of the same by his letters Patents under the Great Seale of England to the Right Hono^ble the Lord High Chancellor of England, George Duke of Albemarle William Lord Craven John Lord Berkeley Anthony Lord Ashley Chancellor of the Excheq^r Sr George Carteret Knt Vice Chamberlain of his Matie household Sr William Berkeley and Sr John Colladon Knts. And upon Information that all pretendors to former Grants of the said Province haveing been sum̃oned (according to former orders of this Board) to bring or send to his Matie Attorney Generall such letters patents writings, or other Evidences as they or any of them had setting forth their pretended titles thereunto, yet none of them have appeared or discovered any such pretensions, or Claymes. And for as much as no English whatsoever have, by vertue of any such Grants hitherto planters in the said Province, by which neglect such Letters patents (if any were) are become voyd: His Matie by and with the advice of his Councell doth Order and it is hereby Ordered: That his Maties said Attorney Generall forthwith proceed either by Inquisition or by scire facias in the revoking all former Letters pattents and Grants of the said Province, or any other legall way whereby to make and declare them voyd. And that from henceforthards, when any like Grant of any Sovereigne plantation shall be prepared to passe his Maties Great Seale. A Clause be inserted. That if within a certain number of yeares no plantation be made and performed the said Grants shall become void. And it is further Ordered. that the said Lord Chancellor. Duke of Albemarle: and other the before named patentees do proceed in the planting

of the said Province of Carolina, and that in Order thereunto, they receive all Countenance favours and protections from this Board and that from hence forwards no person or persons whatsoever do presume to goe into the said province or molest or disturbe the said Grantees or any Persons by them or any of them trusted or employed upon pretence of any former Grant whatsoever, as they or any of them do render this his Matie Comand, and will answer the contrary at their perills.

CLARENDON. C
T. SOUTHAMPTON ALBEMARLE
ST ALBAN
BERKSHIRE SANDWICH BATHE
GILB: LONDON THO WENTWORTH
MIDDLETON
CHA: BERKELEY W COMPTON
WILL MORICE HENRY BENNETT

RICHARD BROWNE.

[RIVERS' HISTORICAL SKETCHES OF SOUTH CAROLINA. APPENDIX, p. 335. REPRINTED FROM HAWKS'S HISTORY OF N. C.]

A DECLARATION AND PROPOSALS TO ALL THAT WILL PLANT IN CAROLINA.

25 Aug., 1663.

His majesty having been graciously pleased, by his charter bearing date the 24th of March, in the 15th year of his reign, out of a pious and good intention for the propagation of the Christian faith amongst the barbarous and ignorant Indians, the enlargement of his empire and dominions, and enriching of his subjects, to grant and confirm to us, Edward, earl of Clarendon, high chancellor of England, George, duke of Albemarle, master of his majesty's horse and captain-general of all his forces, William, Lord Craven, John, Lord Berkeley, Anthony, Lord Ashley, chancellor of his majesty's exchequer, Sir George Carteret, knight and baronet, vice-chamberlain of his majesty's household, William Berkley, knight, and Sir John Colleton, knight and baronet, all that territory or tract of ground with the islands and islets situate, lying, and being in

his dominions in America, extending from the north end of the island called Lucke Island, which lieth in the Southern Virginia sea, and within 36 degrees of the northern latitude, and to the west as far as the South seas, and so southwardly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within —— degrees of the northern latitude; in pursuance of which grant, and with a clear and good intention to make those parts useful and advantageous to his majesty and his people: we do hereby declare and propose to all his majesty's loving subjects wheresoever abiding or residing, and do hereby engage inviolably to perform and make good these ensuing proposals in such manner as the first undertakers of the first settlement shall reasonably desire.

1. If the first colony will settle on Charles River near Cape Fear, which seems to be desired, it shall be free for them so to do on the larboard side entering [south side]. If in any other part of the territory, then to choose either side, if by a river; we reserving to ourselves twenty thousand acres of land, to be bounded and laid out by our agents in each settlement, in such places as they shall see fit, and in such manner that the colony shall not be thereby incommoded or weakened; which we intend by our agents or assignees in due time to settle and plant, they submitting to the government of that colony.

2. That the first colony may have power, when desired, at their own charge to fortify the entrance of the river, as also the sea-coast and island; they engaging to be true and faithful to his majesty, his heirs and successors, by some oath or engagement of their own framing.

3. That the undertakers of that settlement do, before they or any of them repair thither to settle, present to us thirteen persons of those that intend to go, of which number we shall commissionate one to be Governor, for three years from the date of his commission, and six more of the thirteen to be of his council, the major part of which number, the Governor or his deputy to be one, to govern for the time aforesaid; and will also nominate successors to the Governor, who shall be of the six councillors aforesaid, to succeed in the government, in case of death or removal; and likewise councillors out of the remaining six of the thirteen to succeed in case of death or removal of any of the councillors, and after the expiration of the first three years, and so successively for every three years. Upon or before the 25th day of March, before the expiration of the time of the Governor in, being a new presentment by the freeholders of the colony, or by such persons as they shall constitute, to be made of the thirteen persons, four of which shall consist of those that shall be in the government at the time of the election of the thirteen, out of which

we will, upon or before the 10th day of April following, declare and commissionate a Governor and six councillors with their respective successors in case and manner as aforesaid.

4. We shall, as far as our charter permits us, empower the major part of the freeholders, or their deputies or assembly-men, to be by them chosen out of themselves, viz.: two out of every tribe, division, or parish, in such manner as shall be agreed on, to make their own laws, by and with the advice and consent of the Governor and council, so as they be not repugnant to the laws of England, but, as near as may be, agreeing with them in all civil affairs, with submission to a superintendency of a general council, to be chosen out of every government of the province, in manner as shall be agreed on for the common defence of the whole; which laws shall, within one year after publication, be presented to us to receive our ratification, and to be in force until said ratification be desired and by us certified; but if once ratified, to continue until repealed by the same power, or by time expired.

5. We will grant, in as ample manner as the undertakers shall desire, freedom and liberty of conscience in all religious or spiritual things, and to be kept inviolably with them, we having power in our charter so to do.

6. We will grant the full benefit of these immunities to the undertakers and settlers which, by the charter, is granted to us (for our services to his majesty) in relation to freedom of customs, of tools of all sorts useful there, to be exported from England for the planters' use; and of certain growths of the plantations, as wine, oil, raisins of all sorts, olives, capers, wax, currants, almonds, and silks, to be imported into any of his majesty's dominions for seven years for each commodity, after four tons of every respective species is imported as aforesaid in one bottom.

7. We will grant to every present undertaker for his own head, one hundred acres of land, to him and his heirs forever, to be held in free and common soccage; and for every man-servant that he shall bring or send thither, that is fit to bear arms, armed with a good firelock musket, performed bore, twelve bullets to the pound, and with twenty pounds of powder and twenty pounds of bullets, fifty acres of land; and for every woman-servant thirty acres; and to every man-servant that shall come within that time, ten acres after the expiration of his time; and to every woman-servant six acres after the expiration of her time. Note that we intend not hereby to be obliged to give the proportions of lands above mentioned to masters and servants, longer than in the first five years, to commence at the beginning of the first settlement.

8. We will enjoin the Governor and council to take care that there be always one man armed and provided as aforesaid in the colony, for every fifty acres which we shall grant, and that there be a supply to make up the number in case of death or quitting the colony by the owners of said lands within twelve months after giving notice of the defect.

In consideration of the premises, we do expect by way of acknowledgment, and towards the charge we have been and shall be at, one halfpenny for every acre that shall be granted as aforesaid, within the time before limited and expressed; and that the court-houses and houses for public meetings be erected by the public moneys of the colony on the lands taken up by us; but to be and continue to the country's use forever, they paying some small acknowledgment.

Given under our hands this twenty-fifth day of August, Anno Domini, 1663.

[B. P. R. O. Col: Ent: Book. No. 20. p. 8.]

LETTER TO COL: THO: MODYFORD AND PETER COLLETON ESQ^re^

Cockepit this 30th August 1663.

Sirs,

Wee finde by a letter from Mr Richard Eivans Mr John Vassall and others as alsoe by another from you Coll: Modyford that severall people of Barbados have inclynations to setle and plant in some parte of the province of Carrolina, whome we desire by all wayse and meanes to incorrage, and that it may appeare soe, have inclosed sent you a declaration and proposealls under the hands of all those concerned that are in towne and those that are not have consented to it: which paper we desire you to communicate to all people that are disposed that way and to give what coppyes you please to such as shall desire them and to send others to the Barmothos New England and where elce you think fitt useing your Interest for the propogation of this plantation and assureing the people that what we propose shalbe performed: in which we resolve to be puntuall and circumspect, we are informed that some ill willers to the setlement upon Charles river neare Cape Faire, have contrived the disorder that hapned to those that lately went theither before the ships went from New England and that they went not into the branch of the river in that Hilton was in, but by mistake went into another besides they tooke not the proper time of the yeare, for worke; soe that wee hope that

that miscarrage will not discorrage your people; we conceave it wilbe advantageous to the Kinge, his people, and more particularly to your Ilanders to goe on with the setlement where the ayre as we are informed wondrous healthy and temperate, the land proper to bare such commodyties as are not yet produced in the other plantations and such as the nation spend in greate quantities as wine, oyle, currants, reasons, silks &c by means whereof the money of the nation that goes out for these things wilbe Keept in the Kinges Dominions and the planting part of the people imploy there time in planting those comodyties that will not injure nor overthrow the other plantations which may very well happen, if there be a very great increase of sugar workes and more Tobacco, Ginger, Cotton, and indicoe made then the world will vent these reasons we conceave will convince the most concerned in your Islands to promote this worke, the proposealls sent are but heads; we conceaving that such as shall undertake, will expect a more formall and large assurance from us according to there owne Methhood; which we shall willingly give when they desire the same, some people heare propose that we should make choyce of a Governor without there presenting; if your people desire the like it shall be done, more freedome then this we may not give; but if any have any other way to propose that is not loss to us then this, we may consent to it. Wee have written to my Lord Willoby to countenance at least not to discountenance your proceedings herein, the business is the Kings and nations service more then our owne, the promotion whereof by you is desired & not all doubted by

your

[B. P. R. O. Col: Ent: Book. No. 2. p. 9.]

A LETTER TO MY LORD WILLOBY FROM THE DUKE OF ALBEMARLE.

Cockpit the 31 of August. 1663.

My Lord,

I presume you are not a stranger to his Majestie's Graunte of the Province of Carrolina to my Lord Chancellors myselfe and others, which we have undertaken to serve him and his people, and not our private Interest there are some persons of your Island of Barbadoes that have by there letters to me set forth there desires of beginning of or contributeing to a setlement in those parts which I conceave will prove rather advantagious than otherwayes to those under your Government for that setle-

ment will devirt many people that designe to plant from planting there commodyties which your plantation aboünds, in (of which greater quantities being made, will sincke the maker) and put them upon such as your lands will not I conceave produce, and as the Kinge hath not yet within his Terrytories in quantity, although his people consume much of them to the exhausting the wealth of the kingdome, the commodyties I meane are wine, oyle, reasons, currants, rice, silke &c; which commodyties will be of good use and advantagious to your parts, as well as Corne meale flower beefe and poorke; which that Country as I am well informed from persons that have planted in some parts thereof will in short time abound in: for which reasons and being well assured that you in all your actions ayme at the publicke good, I desire that your Lord will not hinder but incorrage this setlement by which I am sure you will not only doe his Majestie good service but much oblige

Your Lordship's Humble servant

My Lord Chancellor is gon to Cornebey whoe would I believe have joyned with me in this desire if he had beene in Towne; I have written my Couzen Modyford and Couzen Peter Colleton to promote Carrolina Plantation. I pray countenance them in it.

[B. P. R. O. Col: Ent: Book. Vol. 20. p. 3.]

COPPY OF A COMMISSION TO SIR WILLIAM BERKELEY TO CONSTITUTE AND COMMISSIONATE A GOVERNOR FOR ALBEMARLE RIVER.

Whereas his Majesty hath been graeiously pleased by his Charter baring date the 24th day of March in the 11. yeare of his Reigne for him his heires and successors To give, grant and confirme unto us Edward Earle of Clarendine Lord Heigh Chancellor of England George Duke of Albemarle Master of his Majestie's horse, and Captain Generall of all his forces, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley Chancellor of his Majestie's Exchequor Sir George Carterett Knight and Barronet Vice Chamberline of his Majestie's household, Sir William Berkeley knight and Sir John Colleton knight and Barronet our heires and Assignes for ever, all that Terrytory or tract of Ground, now called the Province of Carolina syttuate, lyeing and being

within his Majestie's Dominions in America extending from the north end of the Iland called Lucke Island, which lyeth on the Southerne Virginia Seas and within 36 degrees of the Northine Lattitude, and to the west as farr as the south seas aforesaid with all and singuler harbors, bayes, rivers, Isles and Islets belonging to the Country aforesaid and alsoe all the soyle, lands, fields, woods, mountaynes, farmes, lakes, rivers, bayes, Isles and Islets situate lyeing and being within the bounds and limitts aforesaid, with the fishing of all sorts of fish whales, sturgions and all other royall fishes in the sea, Bayes, Isles, Islets and rivers within the premises and the fish therein taken. And moreover a power to constitute and appoint Governors and all other necessary Officers both military and civill, and to make, enact and ordayne Lawes by and with the advise and consent of the freemen of the said Province or of the greater part of them there delligates or deputyes when and as often as neede shall require, and the said Lawes to putt in execution by our deputy Justices &c. with many other powers, emmunityes and priviledges as in the said Charter unto which for more certinety we referr ourselves is contayned;

Now know all men to whom these presents shall come that we the said Edward Earle of Clarendine Lord Heigh Chancellor of England, George Duke of Albemarle Master of his Majestie's horse and Captain Generall of all his forces, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley Chancellor of his Majestie's Exchequor, Sir George Carteret Knight and Barronet Vice Chambeline of his Maj$^{tie's}$ household and Sir John Colleton Knight and Barronet, Doe by these presents give full power and ample authority unto the above named Sir William Berkeley Governor and Captain Generall of Virginia to nominate, constitute and appoynt such persons as he shall conceive fitting to be and continew Governor of all that parte of the province aforesaid which lyeth on the north east side or starboard side entring of the river Chowan now named by us Albemarle river togeather with the Islands and Isletts within tenn leages thereof, for the tearme and time of yeares from the date of his Commission which he shall receave from the said Sir William Berkeley, he behaveing himself well; and likewayes the same person or some other fitting person to be and continew Governor on the southwest or larboard side entring the same river, and from the entrance thereof 20 leagues up the river and from the river side myles southerly into the land, for the tearme and time of yeares from the date of the Commission that he shall receave from Sir William Berkeley, he behaveing himself well as aforesaid. And alsoe to nominate and appoint 6 fitting persons to be of the Councill of each Governor

if two; to joyne with him or them in the Government in such manner as the said Sir William Berkeley shall direct, and to give the said Governor or Governors and his or there Counsell such power and authority as we by his Majestie's Charter have power to grante, for the well, good & peaceable government, of that Collony or those Collonyes, and those people that are setled or shall come to setle there on the Islands or Isletts aforesaid, and moreover to the said Governor or Governors and Councill or Councillors full and ample power to elect constitute and appoynt all Officers Millitary and Civill which shall be convenient and necessary (the Secrytary and surveyors onely excepted) which we by his Majesty's Charter have power to constitute to be and continued during pleasure or good behaviour according to the Charter aforesaid and our instructions given you hearewith to give the said Governor or Governors and Councill or Councillors power by and with the advise and consent of the freeholders or freemen or the Major parte of them there deputyes or delligates to make good and wholesome lawes ordinances and constitutions for the better Government and good of the Collony or Collonyes which lawes shall be transmitted to us within one yeare after publication, there to receave our rattification but to be in force until by us denyed and the denyall certified and then to sease; and the said lawes to be put in execution, as alsoe a power to the Governor or Governors to grante and confirm lands to such as are there or shall come there to setle and plant according to such proposealls and Instructions as we send you hearewith and to act and doe all other things that may conduce to the good, welfare and well government of the people as farr as the Charter aforesaid with our Instructions, shall impower them to doe.

Witness our hand and seales this day of 1663.

[B. P. R. O. Col: Ent: Book. No. 20. p. 5.]

INSTRUCTIONS FOR SIR WILLIAM BERKELEY GOVERNOR AND CAPTAIN GENERALL OF VIRGINIA IN RELATION TO THE SETLING AND PLANTING SOME PARTE OF THE PROVINCE OF CAROLINA.

1. In regard that we conceave all men will desire to setle there habitations upon the river in respect of the ease of there Carrage to the sea there transportation from place to place and the bennefit of the water and

fishing in the river, therefore that they may keepe neare togeather for there common defence, wee propose that whoeaver hath planted or comes to plant, have for himself and every man sarvant armed as in our proposalls, one Chayne of land consisting of 66 foote in bredth and 100 chayne from the river into the Country in lenkth and the remainder of his proportion of land to be noe nearer then at the end of 200 chayne, from the river, whereby there may be roome for a second roe of planters next to the first, by meanes whereof there wilbe two hundred men armed and lodged within each myle and quarter square or thereabouts, which is conceaved to be better then in townes, for such whoos business it is to plant, for then each man wilbe where his business or the greater parte of it lyes, and 10 acres which is the proportions above, wilbe as much as one man can well plant and keepe cleane in that growing Country; reserveing convenient home pasturage, for the passage of those above; the remaynder of mens proportions may be leyed out, where the Governor and Councill shall conceave it most regular and advantagious to keepe the people neare each other soe as it be at the end of 200 Chayne as is before exprest.

2. You are desired to cause 20000 Acres of land to be set out and bounded for the propryators in severall places, parte of which may be where a towne is like to be built, other parte some myles up the river and other some up into the Country where the land is good, and some on sides of hilles that looke to the southward which wilbe best for Vinniards and if it be possible where there is an advantage of a springe river or rivelet from whence the land may be with any art watered, which wilbe of mighty advantage in planting some commodyties especially vynes: which is conceaved wilbe most profitable, an aker in the Cannaryes produceing £60. per ann: besides the duty thereof is greate heare, of which we are free.

3. If the people that plant are not or shall not be willing to pay the Quit rent of ½ penny per acre presently you may give them two 3: 4: or 5: yeares for the convenience of there payments.

4. If those men which have purchased shall for the better moddelling and secureing the plantations parte with there Interest bought of the Indians which they must doe the next possessor ought to pay him what he leyed out with some small advantage for his disburse, and if the party in possession have cleaned and planted (or either) more than his proportion of Grownd in bredth he ought to be compounded with for his charge of which the Governor and Councill to be Judge.

5. The Governor or Governors and Counceill to give warrants, which are before delivery to be entred for the proportions of lande to be leyed out according to the proposealls and in manner as above (if you are pleased with the way) to the Surveyor, the Surveyor haveing run out the land to certifye to the Seeretary the quantity leyed out to and for each person with the bounds thereof and on what poynt it lyes with a small plot of the same, this Certifficate to bee recorded by the Seerytary in a booke to be kept for the purpose, and then the Seerytary to certifie what the Surveyor hath done to the Governor or Governors and Councill and that being done the Governor to make a Graunte to be drawne by the Secrytary and to be past under a seale that we shall send with his hand to it, to the partye and his heires for eaver for whome the land is leyed out under the quit rent of one $\frac{1}{2}$ penny per aere to commenee when you shall direct not exceeding 5. yeares from the feast of all Saints next.

6. We propose that if you cannot find some other way to support the Governor out of the thing itselfe, that he have the sole trade of fures for 3. yeares, and if he conceave 3 yeares to little time for his continewanee in the Government in regard the first setlement wilbe the brunt and diffieulty of the business, you may assure him that we shall choose him againe unless his misbehaviowr obstruct it.

Wee doe likewayse propose that the Seerytary draw all the Grants of land, and that some fee be established for that and for recording, certifieing and searehing of records and coppyes of them for his maynetenanee.

Likewayse that some Fee be established for the surveyor by the acre or day when hee surveyes for his support.

[B. P. R. O. Col: Ent: Book. No. 20. p. 6.]

A LETTER TO SIR WILLIAM BERKELEY.

Cocke pitt this 8. day of Septr 1663.

Sir,

Sinee you left us we have indeavoured to procure and at lenkth have obtayned his Majestie's Charter for the province of Carrolina. A eoppy of which Charter and unto which we refer ourselves, we doe hearewith send you sinee the sealeing whereof there started a title under a pattent graunted in the 5th yeare of Kinge Charles the 2^{d} to Sir Robert Heath under which there hath beene a Clayme by the Duke of Norfolkes

Agents and another by Sir Ric: Greenefields heires: but all there that shall plant notwithstanding that pattent, are by an Act of Kinge and Councill secured against that pattent: and that pattent by Kinge and Councill made Null and ordered to be made soe by the Kinge's Authurney in the Courts of Law a coppy of which order we hearewith send you, soe that noe person need not scruple planting under our pattent besides we have many more advantages then is in the other to incorrage the undertakers, we are informed that there are some people setled on the north east parte of the river Chowan and that others have inclynations to plant there, as alsoe on the Larboard side entring of the same river soe that we hold it convenient that a Governor be forthwith appoynted for that Collony, and for that end we have by Captain Whittey sent you a power to constitute and appoynt one or two Governors and Councelles and other Officers unto which power we referr ourselves: we haveing onely reserved the nomination of a surveyor and secrytary: as officers that wilbe fitt to take care of your and our Interest, the one by faithfully leying out all lande the other by justly recording the same, the surveyor by name Monsiear Lepreyrie whoe we conceave will goe in this ship if not in the next he is recomended by Sir George Carteret to be able that way and a good Injenear for the making of fortifications.

The secrytary is one Mr Richard Cobthrop recomended to us by my Lord John Berkeley, he hath the repute of an honest injeinous and stout man: he promiseth to be ready to goe hence within a moneth we shall hasten him to you.

Wee doe likewayes send you proposealls to all that will plant, which we prepared upon receipt of a paper from some new England men that desired to setle neare Cape Faire, in which our condisentions are as low as it is possible for us to desend, this was not intended for your merridian, where we hope to find more fassill people, whoe by your Interest may setle upon better tearmes for us, which we leave to your management which our oppinion that you grante as much as is possible rather then deter any from planting there, by our instructions and proposealls you will see what proportions of lande we intend for each master and sarvant and in what manner to be allotted, but we understand that the people that are there have bought great tracts of land from the Indians, which if they shall injoye will weaken the plantation.

1. First because those persons will in probobillity keepe all that land to themselves, and soe make the neighbowrhood of others remote from there assistance in case of danger.

2. If any new Commers would setle neare there habitations they will not peradventure admitt it without purchasing and possibly upon hard tearmes which will discorrage people from planting; wherefore it is our resolution and desire that you persuade and compell those persons to be sattisfyed with such proportions as we allot to others which wilbe more then any such number of men, to and for whome these proportions are to be given, cann manage and therefore enough: more will but scatter the people and render them lyable to be easyly destroyed by any enymyes soe that the fixing the way that our Instructions mentions wilbe the best course of setling as we conceave, howeaver we doe leave it to you that are upon the place and cann best judge; desiring you to keepe this Letter and our Instructions and proposealls private to your selfe; the reason of giving you power to setle two Governors that is of each side of the river one, is because some persons that are for liberty of Contience may desire a Governor of there owne proposing, which those of the other side of the river may not so well like, and our designe being to incorrage those people to plant abroad and to stocke well those parts with planters: inciteth us to comply alwayse and with all sorts of persons, as farr as possibly we cann, you wilbe best able to judge when you heare all partyes and therefore referr the thing wholly to you, takeing your design into consideration. Wee have granted to Sir Jno. Colleton the Island called by some Carelyle Island lyeing neare Roanoake and Chowan river: he will leave it with you to take a parte with him if you please, soe that you may order possession to be given of the same to his assignes; inclosed is a Coppy of his Graunte; Although my Lord Chancellors my Lord Berkeleyes and my Lord Ashlyes hands be not to the power and papers we send you, the reason whereof is because they are not in towne, yet doe they consent to what we doe: soe that you may act without danger or scruple.

The entrance to Chowan river is difficult and water but for small vessells: but we understand that there is an Entrance, boald and deepe water in the Lattitude of 34. which is neare the rivers called the Newse and Pamplycoe which we conceave may be best discovered from your parts in order to which we desire you to procure at fraught or other wayse some small vessell that draws little water with a boald boat to make that discovery and some others into the sownd, through which sownd big greate ships may peradventure come to Chowan and give us admittance into the other brave rivers that lye in the sownd and whylst they are abroade, they may looke into Charles river a very little to the southward of Cape Faire, and give us an account of what is there: this if it may be done

with little troble and expence of time; the charge you shall be at we shall each man upon notice pay our shares: some moneys we are in disburse for you heare: which may be allowed out of what you disburse there; this worke we hold necessary to be done, that the Kinge may see that wee sleepe not with his grant but are promoting his service and his subjects profitt; by Captain Whitteyes relation you may easyly pass by land and river from your Government to Chowan river and ryde but 25 myles by land which makes us presume earnestly to intreat you to make a jorney theither whereby you may upon your owne knowledge give us your opinion of it: and direct such discoveryes to be made up the river as you shall see fitt: which and all other things hearein and in our Instructions contayned we committ to your consideration and care and remayne

[B. P. R. O. Colonial Entry Bk. Vol. 20. p. 14.]

8th Septr 1663.

Present

My Lord Duke of Albemarle
My Lord Craven
Sir George Carterett
Sir Jno. Colleton.

Granted by deed to Sir Jno. Colleton & his heires for ever the 8th of Septr 1663 the island heretofore called Carlyle Island now Colleton Island lyeing neare the mouth of Chowane now Albemarle river contayneing in lenkth 5 or 6 myles in bredth about 2 or 3 myles he yeilding & paying yearely from the feast of All Saints for ever for all such landes as is in those parts esteemed plantable land one halfe penny per acre if all others that shall plant in Carrolina pay as much.

[B. P. R. O. Col: Ent: Book. No. 20. p. 13.]

September this 9th 1663.

Sir,

We have of late sent you two Letters with the Coppy of our Charter for Carrolina and our declaration and proposealls touching the setlement thereof, by which letters we desired you to imploy your indeavours and

Interests to persuade such persons of your Island that have inclynations to plant in any of those parts to be sattisfied with the Meth-hood we have proposed from the substance whereof we cannot receade.

Since those our Letters above mentioned we have received yours of the 12th August with the proposalls and desires of severall Gentlemen of Barbados, whoe seeme to have thought of setling some parts of Carrolina to which desires of theirs, wee inclosed send you our answer upon which and our declaration you may please to treate with them and make some agreement if you cann keeping still to the substance of our proposealls; but if other words or other wayes of frameing the Government will please them better without lesning those powers and the rent we have reserved, or giveing away the royaltyes and Fellows goods which is by the Kinge in our Charter granted to us, you may close with them; and if they shall desire 7. yeares time, for haveing the proportions of lands mentioned in our Declaration you may grant it; and if the grattifieing of some of the Cheefe with one, two or 300 Acres of land a man exterordynary will forward the worke you may promise it, and it shalbe given them: but let that be as remote as you cann from the river they setle upon whereby the strenkth of the Collony may be keept togeather according to the Meth-hood, in our instructions for the lyeing out of each mans land; if you conclude with the undertakers, you may please to make choyse of a Surveyor and Secrytary in our behalfs which Officers wee choose for noe other end but that wee may from them have an account of what passeth there and that Justice may be done betweene the planter and ourselves: we intend they shalbe subject to the Government and upon just complaynt to us be removed and by the Government be suspended if there be cause untill we have heard the matter.

We further desire you to give us notice whoe wilbe the fittest man for the Government and whoe to be of his Councill, and if it shalbe thought fitt that the first Governor shalbe continewed five yeares you may consent to it; for his mayntenance the people are to find some way, wee have a Setlement begann upon the river Chowan in the lattitude of 35 or thereabouts to which place we have ordered a governor to be sent from Virginia, and have proposed for his support the fur trade or such a parte of it as may be sufficient; untill the people shalbe able to provide other ways for him if some such thing may be found out where your people intend to sit downe, it may incurrage, we wish the place may be neare porte Royall; If any argument shalbe made by the undertakers concerneing the charge of discovery it wilbe answered with what we have done in order thereunto from Virginia before we did know that they were

about any such thing; we hope by the next to send the Kinges letter to the Governors for the promotion of this setlement.

We conceave that the planting of Carrolina wilbe of greate advantage to the Kinge and his people particularly to the planters in Barbadoes and the Carribbia Islands in regard it will divert the further rayseing of sugar workes planting ginger cotton, indicoe and Tobacco of which commodyties enough are already made to supply all markets and more will in probabillity impoverish the planters of them, by lowring the prices to a rate by which they will not be able to subsist.

2dly in regard the land in Carrolina will produce wines of all sorts silks, reasons of all sorts, currants figs, ollives, oyle, capers and tobacco as good as that of Virrgines as we are informed, all which commodyties are much easier (especially in poynt of charge) produced then Sugar and are commodyties that are not yet planted in the King's Dominions but when they shalbe considerably it will give a great imployment to our navigation and keepe and increase the welth of his Majestie and subjects in his dominions; there motives we hope will incurrage by the helpe of your care and judgment in the well management of this affaire, by which you will oblige,

[B. P. R. O. Col: Ent: Book. No. 20. p. 12.]

AN ANSWER TO CERTINE DEMANDS AND PROPOSEALLS MADE BY SEVERALL GENTLEMEN AND PERSONS OF GOOD QUALLITY IN THE ISLAND OF BARBADOS TO THE LORD PROPRYETORS OF THE PROVINCE OF CARROLINA; WE SAY

That we are well pleased to find soe many publick spirrits in the Barbadoes as there seemes to be concerned in the Intended discovery of fitt places to plant betweene Cape Faire and the northine lattitude of 31. degrees, and cannot but commend there soe doeing although we ourselves had, before we did know anything of that there Intentions; given order for a vessell to be sent from Virginia to discover from Cape Hatteras to Cape Floryda all the parts and places fit for the reception of such of his Majestie's subjects as shall desire to plant in those parts.

As to your desires we replye.

That a trew Coppy of our Charter hath beene sent to the Barbados by Mr Tho: Colleton whoe wilbe ready to produce and give Coppyes of the same, and if an exemplyfycation thereof under the broade seale shall notwithstanding be desired by you, we shall upon notice thereof be ready to send the same.

To the 2d demand we answer that we have sent to Coll: Tho: Modyford and Peter Colleton a declaration and proposealls under severall of our hands of which all doe approve, and doe herewith send a Dupplycate in which is set forth the Meth-hood which we resolve to proceed in for the choyce of Governors, the way of Government, setlement and graunting of land in those parts; from the substance whereof wee shall not receade: which way of Government and of chooseing the Governor and Councell we hold to be better for the people in Generall then the Corporation way that you demand, in which the members choasen to manage the Government doe continew for there lives, and are not to be removed but by there owne fellowes or the Major parte of them, whoe may be apter to wincke at the misdemeanors of there fellow Governors then the people that are to be governed by them will: in whose power it wilbe, wee meane the peoples, at the end of every 3 yeares, to leave out such as have misbehaved themselves: in there election of those that are to be presented to the Lords Propryetors for a new choyse of a Governor and Councill notwithstanding our declaration; if it shalbe desired that more than 6 be of the Councill then may the undertakers propose duble the number they would have, and wee shall choose the Moyty of them; To the 3d demand wee consent that the Governor and Counsell shalbe amply and fully impowred from us to graunte such proportions of land to all that shall come to plant in quantity and according to the Meth-hood and under that acknowledgement & noe more, as in our declarations and proposealls is set forth for which they may contract and compound with the Indians; if they see fitt: and if any shall desire a confirmation from us, we shalbe ready to give it: in as ample manner as they or there Councill at Law shall contrive, and likewayse we shall impower the Governor and Councill choasen as aforesaid to make choyce of all Officers as well Millitary and Civill, the Secrytary and Surveyor, onely excepted and arme them with all powers as farr as our Charter will extend, for the well governing of the Collony or place.

We shall likewayse indeavowr to procure his Majestie's Letters to the Governors of the Barbados and Carribbia Islands; Virginia, New England and Barmothos requiring them not to hinder any free and uningaiged persons from going to Carrolina to setle upon any frivolos pre-

tences whatsoever but rather to further the good and speedy settlement thereof: we have given power and direction to Coll: Tho: Modyford and Mr Peter Colleton to treate and agree with you concerneing the promises, not receading from the substance of our Deelaration whose agreement we shall ratifie so rest

Your loveing freinds.

PATENTS FOR LAND.

To all whom these prsents shall come I Wm̃ Berkeley Kt Governor and Capt. Genrll of Virginia Greeting in our Lord God everlasting Whereas by Instructions from yc kings most Excet Majestie Directed to me and ye Councel of State his Majestie was graciously pleased to authorize me ye said Governr and councell to grant Patents and to assigne such proportions of land to all Adventurers and Planters as have been usuall heretofore in ye like Cases either for Adventurers of money or transportacõn of people into this Collony according to a Charter of Orders from ye late treasurer and Company And yt ye said Proportion of fifty acres of land be granted and assigned for every ꝑson Transported hither since midsum̃er 1625 and yt yc same course be continued to all Adventurers and Planters untill it shall be otherwise determined by his Majestie Now know ye yt I the sd Sr Wm̃ Berkeley Kt &c Doe wt ye consent of ye Councell of State accordingly Give and Grant unto Mr Tho: Relfe Seven hundred and fifty Acres of land Lying on ye Southwest side of Pasquotank River Begining at a Small cypresse at ye mouth of a Swamp and runing by Tho: Keele his land into ye Woods South west and by West 320 pole then N: West & by N. 375 Pole then N East & by East to a Marked Sypresse in ye cod of a Bay being one of Mr ffforsons marked trees and soe along ye Bay to ye Point in ye River and downe the said River of Pasquotanck to ye first Station ye said land being due to ye said Thomas Relfe by and for yc transportacõn of fifteen Persons into this Collony whose names are in the Record menc̃oned under this Patent To have and to hold ye said land wt his due share of all Mines and Mineralls therein Conteined wt all Rights and Previleges of Hunting Hawking fishing ffowling wt all Woods Waters and Rivers wt all Profitts Comoditys and heriditamts wtsoever belonging to ye said Land to him ye said Thomas Relfe his heirs and assignes for ever in as large and ample Manner to all Intents and purposes as is Expressed in a

Charter of Orders from ye late treasurer and Company Dated ye 18th of November 1618 or by Consequence may be justly Collected out of ye same or out of ye Letter Patents whereon they are Grounded to be held of our Soveraigne lord ye king his heires and and Successors for ever as of his Mannor of East Greenwich in free and Comon soccage and not in Capite nor in K^ts^ Service Yielding and paying unto our s^d^ soveraigne Lord ye king his heires and successors for every fifty acres of land hereby Granted yearly at yc feast of St Michael ye Archangell ye fe rent of one shilling Which paym^t^ is to be made yearly from year to year according to his Majesties Instructions of ye 12th of September 1662. Provided y^t^ if the said Tho: Relfe his heires or assignes doe not seat or plant or cause to be seated or planted upon ye s^d^ Land w^t^in three years after ye next Insueing y^t^ then it shall be lawfull for any Adventurer or planter to make Choice and seat thereupon Given at James Cyty under my hand and ye seal of ye Collony ye 25th day of September 1663 & in ye 15th year of ye Reigne of our Sovereige Lord king Charles ye Second &c

WILLIAM BERKELEY

To all to whom these p^r^sents shall come I Wm Berkeley K^t^ Governor and Capt Gen^rll^ of Virginia send Greeting in our Ld God everlasting Wheras by Instructions from ye Kings most Excel^t^ Maj^tie^ directed to me and ye Councell of State his Majestie was graciously pleased to authorize me ye said Governor and Councell to grant patents & to assign such proportions of land to all adventurers and planters as hath been usual heretofore in like cases either for adventurers of money or transportacon of people into this Colony according to a Charter of orders from ye late treasurer & company and y^t^ ye same proportion of fifty acres of land to be granted & assigned to every ℔son transported hither since Midsumer 1625 and y^t^ ye same Course be continued to all adventurers and planters untill it shall be otherwise determined by his Majestie.

Now know yee y^t^ I ye s^d^ Wm Berkeley K^t^ &c doe with ye consent of ye Councell of State accordingly give and grant to Robert Peel three hundred and fifty acres of land Lying on ye South west side of Raspitanck River between ye land of Dr Relph and ye land of John Battle containing on ye River side one hundred and eighty pole & running South West & by West into ye Wood three hundred and twenty pole ye said land being due to ye said Robert Peel by & for ye transportation of seven ℔sons into this Collony whose names are on the Record menc̄oned under this Patent To have & to hold ye said land wth his due share of all Mines

& Mineralls therin contained wth all rights and previleges of hunting hawking fishing fowling wth all Woods Waters and rivers wth all profitts Comodities and hereditam^ts^ w^t^soever belonging to ye s^d^ land unto him ye said Robert Peel his heires & assignes for ever in as large and ample maner to all Intents & purposes as is Expressd in a Charter of orders from ye late treasurer & Company Dated ye 18th of November 1618 or by consequence may be justly collected out of ye same or out of the letter patents whereon they are grounded to be holden of our Soveraigne Lord ye King his heires and successors as of his Maner of East Greenwich in free and Comon Soccage and not in Capite nor by K^t^ Service Yielding and paying unto our s^d^ Soveraigne Lord ye king his heires and successors for every fifty acres of land hereby granted yearly at ye feast of St Michael ye archangell ye ffee rent of one shilling wch payment is to be made yearly from year to year and ye first paym^t^ to begin one year after ye date herof according to his Majesties Instructions of ye 12th of 7^ber^ 1662 Provided y^t^ if ye s^d^ Robert Peel his heires or assignes doe not seat or plant or cause to be seated or planted upon ye s^d^ land w^th^in three yeares next ensueing that then it shall be lawfull for any adventurer or planter to make choice or seat therupon Given at James City under my hand and seal of ye Collony ye 25th of September 1663 and in ye 15th year of ye reigne of our Soveraigne Lord King Charles ye 2^d^ &c

WILLIAM BERKLEY

To all to whom these p^r^sents shall come, I Sr Wm Berkley Kn^t^ Governo^r^ and Capt Gen^ll^ of Virg^a^ send greeting in our Lord God everlasting, *whereas by* instructions from the kings most Excell^t^ maj^ty^ directed to mee & ye Consell of state, his Ma^ty^ was graciously pleased to authorize mee the s^d^ Governo^r^ and Counsell to grant pattents & to assigne such proporc̄ons of Land to all adventur^s^ and planters as have been usuall heretofore in the like ease either for adventures of money or Transportac̄on of people into this Collony according to a Charter of Orders from the late Treasurer & Company & that the same proportion of ffifty Acres of Land bee granted and assigned for every person transported hither since Midsom^r^ 1625 and that the same course bee continued to all adventur^rs^ and planters untill it shall be otherwise determined by his ma^ty^. Now know yee That I the S^d^ Sr Wm Berkley Kn^t^ &c Doe wth the consent of the counsell of state accordingly give and grant unto Mr John Harvey six hundred Acres of Land lyinge in a small Creeke called Curatuck falling into the the River of Kecoughtancke wch s^d^ River falls into

Carolina begining att a marked pokikery & runinge East South East into the woods three hundred and twenty pole, then Nor: Nor: East three hundred pole, then West Nor: West three hundred and twenty pole to a marked Cedar att the mouth of swamp upon the afores^{d} Creeke and soe downe the s^{d} Creeke to the first station. The s^{d} Land being due to the s^{d} Mr John Harvey by & for ye transportac̄on of twelve persons into this Collony whose names are in the Record menc̄oned und^{r} this pattents To have and to hold the s^{d} Land with his due share of all mines & mineralls therein conteined, with all Rights & priviledges of hawking hunting, ffishing & ffowling wth all woods waters & Rivers wth all profitts Comodities & hereditam^{ts} whatsoever belonging to the s^{d} Land, unto him the s^{d} Mr John Harvey his heirs & assignes for ever in as large & ample manner to all intents and purposes as is expressed in a Charter of Orders from the s^{d} Treasur^{r} & Company dated the 18th day of Novem^{r} 1618 or by consequence may bee justly collected out of the same or out of the Letters pattents whereon they are grounded. To be held of o^{r} Soveragne Lord the King his heirs and successors for ever, as of his Manno^{r} of East greenwich in free & com̄on soccage & not in Capite nor by knight service Yielding & paying to our s^{d} Soveraigne Lord the King his heires & success^{rs} for every ffifty acres of Land hereby granted yearely att the feast of St Michaell the Archangell the ffee rent of one shilling, which paym^{t} is to bee made yearely from yeare to yeare according to his Maj^{ties} Instructions of the 12th of Septem^{r} 1662 provided that if the s^{d} Mr John Harvey his heires or assignes doe not seate or plant or cause to be planted or seated upon the s^{d} Land within three yeares next ensueing That then itt shall be lawfull for any adventur^{r} or planter to make theire and seate thereupon. Given at James Citty under my hand and the seale of the Collony this 25th off Septem^{r} 1663 and in the ffifteenth yeare of the Raigne of o^{r} Soveraigne Lord, King Charles the Second &c.

WM BERKLEY

To all to whom these presents shall come, I Sr Willm̄ Berkley Kn^{t} Governo^{r} and cap^{t} gener^{ll} of Virgi^{a} send Greeting in our Lord God everlasting whereas by instructions from the Kings most Excellent Maj^{e} directed to mee & ye Councill of state, his Ma^{ty} was graciously pleased to Authorize mee the s^{d} Govern^{r} and Councill to grant pattents & to assigne such proportions of Land to all Adventur^{s} & planters as have beene usuall heretofore in the like cases, either for Adventurers of money or Transportac̄on of people into this Collony, Accordinge to A Charter of

Orders from ye late Treasurer & Company, & that the same proporc̄on of ffifty Acres of Land bee granted and assigned for every person Transported hither sinc Midsum̄er 1625 & that the same course bee continued to all Adventurers & planters until itt shall bee otherwise determined by his Ma^ty. Now Know yee that I ye s^d Sr Wm Berkley Kn^t &^e doe with the consent of the Councill off state accordingly Give & grant Unto Mr John Harvey Two hundred & ffifty acres of Land lying on the River of Carolina begining att & marked Red oake on ye River side by Rodger William's Land & runing downe the s^d River to A marked pine, then Nor: Nor: East three hundred & Twenty pole, then to the miles end of Rodger Williams his Land & soe by his Trees South West to the first station, ye s^d Land being due to the s^d John Harvey by & for the transportac̄on of ffive persons into this Collony, whose names are in the Records mentioned und^r this pattent. To have and to hold the s^d Land wth his due share of all Mines and Mineralls therein conteined, wth all rights & priviledges of hawking hunting ffishing & ffowling; with all Woods, Waters & Rivers, With all profitts, comodities and Hereditam^ts whatsoever belonging to the s^d Land, to him the s^d Mr John Harvey his heirs and assignes for ever; in as large & ample manner to all intents and purposes as is exprest in A Charter of Orders from the late Treasurer and Company, dated the 18th day of Novem^r 1618 or by consequence may bee justly collected out of the same, or out of the Lett^rs pattents whereon they are grounded; To bee held of our Soveraigne Lord the King his heirs and successors for ever, at all his manno^s of East Greenewich in free & Com̄on Soccage & not in Capite nor by Knight service Yielding and payinge to our s^d Soveraigne Lord the King his heires and Successors for every ffifty Acres of Land hereby granted yearely att the feast of St Micheall Th archangell the fee Rent of one shillinge, which paym^t is to bee made yearely from yeare to yeare—according to his Maties Instructions of the 12th of Septem^r 1662. Provided that if the s^d Mr John Harvey his heirs or assignes doe not seate or plantt, or cause to be planted or Seated upon the s^d Land within Three yeares next ensueing That then itt shall be Lawfull for any Adventurer or planter to make theire and Seat thereupon. Given att James Citty under my hand and the Seale of the Collony this Twenty ffith day of Septm^r 1663. And in ye ffifteenth yeare of the Reigne of our Soveraigne Lord King Charles the Second &c WILLIAM BERKELEY

To all to whom these p^{r}sents shall come, I Sr Willm̄ Berekeley Kn^{t} Govr &c: and cap^{t} Genr^{ll} of Virginia send Greeting in our Lord God everlasting, whereas by Instructions from the Kings most Excellent Maj^{tie} directed to mee & the Councell of State; his Maj^{tie} was graciously pleased to authorize mee the s^{d} Govern^{r} and councell to grant pattents, and to assigne such proportion of Land to all Adventurers & plantors as have usuall heretofore in ye like cases, either for Adventurers of money or transportac̄on of people into this Collony according to A Charter of orders from the late Treasurer & Company: and that the same proportion of ffifty Acres of Land bee granted & assigned for every person transported hither sinc Midsum̄er 1625: And that the same course be continued to all Adventurers & plantors untill it shall bee otherwise determined by his Maj^{tie} Now Know yee that I the said Sr Willm̄ Berkeley Kn^{t} Govr &c doe with the consent of the Councell of state accordingly give & grant unto cap^{t} John Jenkins Seven hundred Acres off Land, being a necke of Land bounded on the South with the River Carolina, on the North with pyquomons River on the East wth ye mouth of pyquomons &c Carolina, & on the West with A great swamp wch parted this Land from Thomas Jarvis his Land, To have and to hold the s^{d} Land with his due there, of all Mines (the said land being due to the s^{d} John Jenkins by and for the transportac̄on of ffourteene persons into this Collony Whose names are all in the record mentioned und^{r} this pattent) and Mineralls therein contained, with all rightes & priviledges off hunting, hawking, ffishing & ffowleing, with all Woods, Waters & River, with all profitts, Comodities and hereditam^{ts} whatsoever belonging to the said Land, to him the said John Jenkins his heirs & assignes for ever; in as ffree and ample manner to all intents & purposes as is exprest in a Charter of Orders from the late Treasurer & Company dated the 18th of Novem^{r} 1618 or by consequenc may bee justly collected out off the same, or out of the Lett^{rs} patents Whereon they are grounded to bee held of our Soveraigne Lord the King his heires and Successors for every ffity acres for ever, as of his Manno^{r} of East greenwitch in free and com̄on Soccage & not in Capite nor by Kn^{ts} service. Yielding and payinge to our s^{d} Soveraigne Lord the King, his heirs and Successors for every ffifty acres of land hereby granted, yearly att ye ffeast of St Mieheall the Archangell the ffee rent of one shilling, which paym^{t} is to be made yearly from year to year from the first entry of the Survey & rights in the Secretaries office bearing date wth these presents, according to his Majesties Instructions of the 12th of Septem^{r} 1662 provided that if the s^{d} John Jenkins gent^{t} his heirs or assignes doe not seat or plant, or cause to bee

planted or seated, upon the s^{d} Land within three years next ensuing, then it shall bee lawfull for any Adventurer or planter to make choice & seat therupon. Given att James Cyttie under my hand & the seal of the Collony this 25th day of Septem^{r} 1663. And in the ffifteenth year of the reigne of our Soveraign Lord King Charles the Second &c.

WILLIAM BERKELEY

To all to whom these p^{r}sents shall come I Sr Willm̄ Berkeley Kn^{t} Govr and cap^{t} Gener^{ll} of Virg^{a} send Greeting in our Lord God everlasting whereas by instrucc̄os from the kings most Excellent Maj^{tie} directed to mee & the Councill of State his Maj^{tie} was graciously pleased to authorize mee the s^{d} Govern^{r} & Councill to grant pattents and to assigne such proportions of Land to all adventurers & plantors as have been usuall heretofore in the like cases, either for adventurers of money or transportac̄on of people into this Collony according to a Charter of Orders from the late Treasurer & Company & that the same proportic̄on of ffifty Acres of Land bee granted and assigned for every person transported hither Sinc midsum̄er 1625. And that the same course bee continued to all Adventurers & plantors untill it shall bee otherwise determined by his Matie Now Know yee that I ye said Sr Wm Berkeley Kn^{t} &c doe with the consent of the Councill of state accordingly give & grant unto Mr Thomas Relfe seven hundred & fifty Acres of Land lying on the South-West side of paspatanck River, begining at a small marked Cypress att the mouth of a swamp & runing by Thomas Keele his land into the wood so West & by West 320 pole then Nor: West & by Nō: 375 pole, then Nōr: East & by East to a marked Cypress in the Codd of A Bay being one of M^{r} ffersons marked trees and so along the Bay to the point in the River, & downe the said River of paspatanck to the first station: the s^{d} land being due to him the said Thomas Relfe by & for the transportac̄on of ffifteen persons into this Collony whose names are in the Records mentioned und^{r} this pattent To have and to hold the s^{d} land with his due share of all mines & mineralls therein conteined, wth all rights & priviledges of hawking, hunting ffishing & ffowling; with all woods, waters & Rivers with all profitts, Comodities & hereditam^{ts} whatsoever belonging to the said Land to him the s^{d} Thomas Relfe his heirs & assignes for ever: In as large & ample manner to all intents & purposes as is exprest in a Charter off orders from the late Treasurer & Company; dated the 18th of Novemb^{r} 1618 or by consequenc may bee justly collected out of the same, or out of the Letters pattents whereon they are

grounded. To bee held of our Sovereigne Lord the King his heirs & successors for ever, as of his mannor of East Greenwich in free & comon soccage, & not in capite, nor by Kn^ts^ service. Yielding & paying to our s^d^ Sovereign Lord the King his heirs and Successors for every ffifty acres of Land hereby granted yearly at the feast of St Michael the Archangell the ffee rent of one shilling, which paym^t^ is to be made yearly from year to year according to his Maties instructions of the 12th of Septem^r^ 1662. Provided that if the s^d^ Thom^s^ Relfe his heirs or assignes doe not seat or plant, or cause to bee planted or seated upon the s^d^ Land within three years next ensuing, That then itt shall bee lawfull for any Adventurer or plantor to make choise & seat therupon. Given att James Citty under my hand & the seal of the Collony this 25th day of Septem^r^ 1663. And in the ffifteenth year of the reigne of our Soveraigne Lord King Charles the Second &c

WILLIAM BERKELEY

To all to whom these presents shall come I Sr William Berkeley Knight Governo^r^ and Capt Generall of Virginia, send greeting in our Lord god everlasting, whereas by Instructions from the Kings most Excellent Majesty directed to mee and the Counsell of State, his Majestie was Gratiously pleased, to Authorize mee the s^d^ Governo^r^ and Councell to grant Pattents, and to Assigne such proportion of Land to all Adventurers and planto^rs^ as have been usuall Heretofore In like Cases Either for Adventure^rs^ of money or Transportation of People Into this Collony, according to a Charter of orders ffrom the late Treasurer and Company, and that the same proportion of fifty Acres of Land be granted and Assigned for Every person transported hither since Midsummer 1625, and that the same Course be Continued to all Adventurers and plant^rs^ untill It shall be otherwise determined by his Majesty, Now Know ye that I ye s^d^ Sr William Berkley Kn^t^ Governo^r^ &c: doe wth the Councell of State, Accordingly give and grant, unto George Catchmeyd of Treslick Gen^tt^ ffifteen hundred Acres of Land Lying In A bay of ye River Carrolina begining at the mouth of swamp w^eh^ parts his Land from Capt Jenkins Land, and soe up the River of Carrolina to a small Creek, and up the said Creek ffrom the River of Carrolina north and be west 320 poles then East and be north 750 poles towards the head of the said swamp by ye River of pequimmin, and soe downe the said swamp by Capt Jenkins Land to the first Station, the said Land being due unto ye s^d^ George Catchmeyd by and for the Transportation of thirty Persons Into this

Collony whose names are all one the Records mentioned under this Pattent, To have and to hold the s[d] Land with all his due shares of all mines and mineralls therein Contained, with all Rights and priviledges of hunting hawking fishing and fowling, with all Woods and waters and Rivers, with all profits Comodities and hereditaments whatsoever belonging to the said Land, To him the said George Catchmeyd his heirs and assignes for ever, In as free and ample manno[r] to all Intents and Purposes, as is Expressed in a Charter of orders, from the late Treasurer and Company Dated 18th November 1618 or by Consequence may be Justly Collected out of y[e] same, or out of the Letters Pattents whereon they are Grounded to be held of our Sovereigne Lord the King his heirs and successors, ffor every fifty acres for ever as of his manno[r] of East Greenwich In free and Common Soccage, and not In Capite nor by Kn[t] Service, yielding and Paying to ou[r] Sovereign Lord y[e] King his heirs and successors, for every ffifty Acres of Land hereby Granted yearly at the feast of S[t] Michaell the Archangell, the ffee Rent of one shilling, which payment is to be made yearly from yeare to yeare ffrom y[e] first Entry of y[e] survey and Rights In the Secretaries office bareing date with these presents according To his Majesties Instrnctions of y[e] 12th of Septem[br] 1662 provided that If the said George Catchmeyd Gen[tt] his his heirs or assignes doe not seate or plant, or Cause to be seated or planted upon y[e] said Land, within three years next Insuing, then It shall be Lawful for any Adventurer or Planto[r] to make Choyce and seat thereupon, Given at James Citty under my hand and seale of y[e] Collony this 25th of Sep[tr] 1663 and In the fifteenth yeare of y[e] Reigne of our Sovereign Lord King Charles y[e] Second &c:

WILLIAM BERKELEY.

REPORT OF COMMISSIONERS SENT FROM BARBADOES TO EXPLORE THE RIVER CAPE FEAR, IN 1663.

[Reprinted from Lawson's History of North Carolina, p. 113.]

From Tuesday, the 29th of September, to Friday, the 2[d] of October, we ranged along the shore from lat. 32 deg. 20 min. to lat. 33 deg. 11 min., but could discern no entrance for our ship, after we had passed to the northward of 32 deg. 40 min. On Saturday, October 3, a violent storm overtook us, the wind between north and east; which easterly

winds and foul weather continued till Monday the 12th; by reasons of which storms and foul weather we were forced to get off to sea, to secure ourselves and ship, and were driven by the rapidity of a strong current to Cape Hatteras, in lat. 35 deg. 30 min. On Monday the 12th, aforesaid, we came to an anchor in seven fathoms at Cape Fair Road, and took the meridian altitude of the sun, and were in lat. 33 deg. 43 min., the wind still continuing easterly, and foul weather till Thursday the 15th; and on Friday the 16th, the wind being at N. W., we weighed and sailed up Cape Fair River some four or five leagues, and came to an anchor in six or seven fathom, at which time several Indians came on board, and brought us great store of fresh fish, large mullets, young bass, shads, and several other sorts of very good, well-tasted fish. On Saturday the 17th, we went down to the Cape to see the English cattle, but could not find them, though we rounded the Cape. And having an Indian guide with us, here we rode till October 24th. The wind being against us, we could not go up the river with our ship; but went on shore and viewed the land of those quarters.

On Saturday we weighed, and sailed up the river some four leagues or thereabouts.

Sunday the 25th we weighed again, and rowed up the river, it being calm, and got up some fourteen leagues from the harbor's mouth, where we moored our ship.

On Monday, October 26th, we went down with the yawl to Necoes, an Indian plantation, and viewed the land there.

On Tuesday the 27th; we rowed up the main river with our long boat and twelve men, some ten leagues or thereabouts.

On Wednesday the 28th, we rowed up about eight or ten leagues more.

Thursday the 29th was foul weather, with much rain and wind, which forced us to make huts and lie still.

Friday the 30th we proceeded up the main river seven or eight leagues.

Saturday the 31st, we got up three or four leagues more, and came to a tree that lay across the river; but because our provisions we almost spent, we proceeded no further, but returned downward before night; and on Monday, the 2d of November, we came aboard our ship.

Tuesday the 3d we lay still to refresh ourselves.

On Wednesday the 4th, we went five or six leagues up the river to search a branch that run out of the main river toward the northwest. In which we went up five or six leagues; but not liking the land, returned on board that night about midnight, and called that place Swampy Branch.

Thursday, November 5th, we stayed aboard.

On Friday the 6th, we went up Green's River, the mouth of it being against the place at which rode our ship.

On Saturday the 7th, we proceeded up the said river, some fourteen or fifteen leagues in all, and found it ended in several small branches. The land, for the most part, being marshy and swamps, we returned towards our ship, and got aboard it in the night.

Sunday, November the 8th, we lay still; and on Monday the 9th went again up the main river, being well stucked with provisions and all things necessary, and proceeded upward till Thursday noon, the 12th, at which time we came to a place where were two islands in the middle of the river; and by reason of the crookedness of the river at that place, several trees lay across both branches, which stopped the passage of each branch, so that we could proceed no further with our boat; but went up the river side by land some three or four miles, and found the river wider and wider. So we returned, leaving it as far as we could see up, a long reach running N. E., we judging ourselves near fifty leagues north from the river's mouth.

* * * * * * *

We saw mulberry-trees, multitudes of grape-vines, and some grapes, which we eat of. We found a very large and good tract of land on the N. W. side of the river, thin of timber, except here and there a very great oak, and full of grass, commonly as high as a mans middle, and in many places to his shoulders, where we saw many deer and turkeys; one deer having very large horns and great body, therefore called it Stag-Park.

It being a very pleasant and delightful place, we travelled in it several miles, but saw no end thereof. So we returned to our boat, and proceeded down the river, and came to another place, some twenty-five leagues from the river's mouth on the same side, where we found a place no less delightful than the former; and, as far as we could judge, both tracts came into one. This lower place we called Rocky Point, because we found many rocks and stones of several sizes upon the land, which is not common. We sent our boat down the river before us, ourselves travelling by land many miles. Indeed we were so much taken with the pleasantness of the country, that we travelled into the woods too far to recover our boat and company that night.

The next day, being Sunday, we got to our boat; and on Monday, the 16th of November, proceeded down to a place on the east side of the river, some twenty-three leagues from the harbor's mouth, which we called Turkey Quarters, because we killed several turkeys thereabouts. We viewed

the land there and found some tracts of good ground, and high, facing upon the river about one mile inward; but backward, some two miles, all pine land, but good pasture-ground.

We returned to our boat and proceeded down some two or three leagues, where we had formerly viewed, and found it a tract of as good land as any we have seen, and had as good timber on it. The banks on the river being high, therefore we called it High Land Point.

Having viewed that we proceeded down the river going on shore in several places on both sides, it being generally large marshes, and many of them dry, that they may more fitly be called meadows. The woodland against them is, for the most part, pine, and in some places as barren as ever we saw land, but in other places good pasture ground.

On Tuesday, November the 17th we got aboard our ship, riding against the mouth of Green's River, where our men were providing wood, and fitting the ship for sea. In the interium we took a view of the country on both sides of the river there, finding some good land, but more bad, and the best not comparable to that above.

Friday the 20th was foul weather; yet in the afternoon we weighed went down the river about two leagues, and came to an anchor against the mouth of Hilton's River, and took a view of the land there on both sides which appeared to us much like that at Green's River.

Monday the 23d, we went with our long-boat, well victualled and manned, up Hilton's River; and when we came three leagues or thereabouts up the same, we found this and Green's River to come into one, and so continued for four or five leagues, which makes a great island betwixt them. We proceeded still up the river till they parted again; keeping up Hilton's River, on the larboard side, and followed the said river five or six leagues further, where we found another large branch of Green's River to come into Hilton's which makes another great island. On the starboard side going up, we proceeded still up the river, some four leagues, and returned, taking a view of the land on both sides, and then judged ourselves to be from our ship some eighteen leagues W. and by N. * * * * * * *

Proceeding down the river two or three leagues further, we came to a place where there were nine or ten canoes all together. We went ashore there and found several Indians, but most of them were the same which had made peace with us before. We stayed very little at that place but went directly down the river, and came to our ship before day.

Thursday the 26th of November the wind being at south we could not go down to the river's mouth; but on Friday the 27th we weighed at the

mouth of Hilton's River, and got down a league towards the harbor's mouth.

On Sunday the 29th we got down to Crane Island, which is four leagues or thereabouts above the entrance of the harbor's mouth. On Tuesday the 1st of December, we made a purchase of the river and land of Cape Fair, of Wat Coosa, and such other Indians as appeared to us to be the chief of those parts. They brought us store of fresh fish aboard, as mullets, shads, and other sorts, very good.

* * * * * * * *

Whereas there was a writing left in a post, at the point of Cape Fair River, by those New England men that left cattle with the Indians there, the contents whereof tended not only to the disparagement of the land about the said river, but also to the great discouragement of all such as should hereafter come into those parts to settle. In answer to that scandalous writing, we, whose names are underwritten, do affirm, that we have seen, facing both sides of the river and branches of Cape Fair aforesaid, as good land and as well timbered as any we have seen in any other part of the world, sufficient to accommodate thousands of our English nation, and lying commodiously by the said river's side. On Friday the 4th of December, the wind being fair, we put out to sea, bound for Barbadoes; and on the 6th of February, 1663-4, came to an anchor in Carlisle Bay—it having pleased God, after several apparent dangers both by sea and land, to bring us all in safety to our long wished for and much desired port, to render an account of our discovery, the verity of which we do assert.

ANTHONY LONG.
WILLIAM HILTON.
PETER FABIAN.

1664.

[B. P. R. O. Col: Ent: Book. No. 20. p. 17.]

Edward Earle of Clarendon Lord High Chancellor of England, George Duke of Albemarle, Captain Generall of all his Majestie's Forces, in the Kingdomes of England, Scotland and Ireland, and Master of the Horse, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley,

Chancellor of the Exchequer, Sir George Cartret, Vice Chamberline of his Majestie's household, Sir William Berkeley knight and Sir John Colleton knight and Barronet, The trew and absolute Lords Propryators of all the Province of Carrolina;

To our Trusty & well beloved Robt Samford Greeting:

Wee being well assured of your wisdome prudence and integrity, have thought fitt, and doe by these presents nominate, constitute and appoint you our Secrytary and Chiefe Register for our County of Clarendon in the Province aforesaid hereby authorizing you and giving you full power to be present at all meetings, of our Governor and Privy Councell, of the said County, and to take and keepe, an exact register, of all there acts, orders and constitutions, as alsoe to receave from our Surveyor Generall of the County aforesaid all certificates of Lands, by him leyed out and surveyed, either for us in particcular, or for any other persons according to warrants from our Governor and Councell or the Major parte of them; and the same certifficates carefully to register and fyle in your office, and there upon by virtue of such warrant as you shall receave, from our said Governor and Councell or the Major parte of them; to draw up such lease or leases, conveyance or assurances of Land from us and in our name, as shall accord with the said Certificate, and the forme of Assurances by us prescribed, which being syned by our Governor and Councell or Major parte of them, and sealed with our Seale of the said County, according to our said Prescriptions, you shall carefully inroll the same, in your said office, that recourse may be there unto had on all occasions, and these and all other act and acts, thinge and things, which doe and shalbe longe and appertayne to the office of our Secretary and register within our said County, you are faithfully to doe and performe, according to such orders and constitutions as you shall receave from us, or our Governor, or our Governor and Councell or the Major parte of them, to the best of your judgement and skill, and for your doeing the same, or any of them, you shall receave such salleryes, fees and perquisites, as by us and our Generall Assembly of the said County shalbe appointed and none other. Given under our greate Seale of our said Province, the fowerteenth day of November in the yeare of our Lord, one thousand, six hundred, sixty and fower.

[B. P. R. O. Col: Ent: Book. No. 20. p. 17. 18.]

Edward Earle of Clarendon Lord High Chancellor of England, George Duke of Albemarle &c. The trew and absolute Lords Propryators of all the Province of Carolina.

To our Trnsty and well beloved John Vassall, Greeting;

Wee being well assured of your wisdome, prudence and integrity, have thought fitt and doe by these presents nominate, constitute and appoint you our Surveyor Generall of our County of Clarendon in the Province aforesaid by yourselfe or such as you shall depute and appoint to ley out, bound and survey all allotments of Land, Generall or particuler, publicke or private, wheather relateing to us particculerly or to other persons per graunte from us, according to such warrants and directions as you shall from time to time receave from our Governor and Councell of our said County or the major parte of them, as alsoe trew certificates to make of the scituations, bounds, quantities and Lines of all Lands soe leyd out mentioning the persons for whome, and the order you receaved for yonr soe doeing, which Certificate you shall direct to our Secrytary, and register of the said County for the time being that he may enter and fyle the same, and these and all other act and acts, thinge and things which doe or shall belong and appertayne to the office of our Surveyor Generall, within the said County, you are faithfully to doe and performe (according to such orders and Instructions as you shall receave from us, or onr Governor, or our Governor and Councell, or the major parte of them) to the best of your Judgement and skill and for your doeing the same or any of them, you shall receave such salleryes, fees and perquisites as by us and our Generall Assembly of the said County shalbe appointed and none other. Given under our Greate Seale of our said Province, the fower and twentith day of November, in the yeare of our Lord 1664.

[B. P. R. O. Colonial Papers. Vol. 18. p. 148.]

AT THE COURT AT WHITEHALL.

The 25th of November 1664

Present.

The Kings Most Excellent Majesty.

The Arch Bish: of Canterb: — Earl of Bathe.

Lord Treasurer. — Earl of Lauderdail.

Lord Privy Seale.	Lord Bish: of London.
Duke of Buckingham.	Lord Wentworth.
Duke of Ormond.	Lord Berkley.
Lord Great Chamberlain.	Lord Ashley.
Earl of Berkshire.	Mr Secretary Bennet.
Earl of Anglesey.	Sr Edward Nicholas.

Whereas a Petition was presented to his Majesty by Colonell Moryson Agent for the Colony of Virginia in the Name of the governor., Councell. and Burgesses there giving an Account of their proceedings upon his Maties Instructions for Commissioners to be nominated for the Plantacons of Virginia, and Maryland to meet, and hear of the most convenient way of lessening the Quantity of Tobacco in those Plantacons which being read at the board it was ordered the 10th of August last that ye Lord. Baltemore, Lord, and Proprietary of Maryland, should have a Copy of the said peticon, and both Partyes he heard. at the Board the first Councell day after Michaelmas, and accordinly upon the 5th of October the said busines was resumed, and after hearing the debates on both sides their Lo^{ps} did then order that the Lord Baltemore, Colonel Moryson, Sr Henry Chicheley Knight, Edward Digg's, and John Jeffreys Esq^{rs}, and others concerned in the Colony of Virginia Should meet to consider of, and frame an Agreement between themselves, and that if they could not joyntly agree thereupon then each party to draw up distinct Proposalls, and deliver them to the Board, that the Lords Committees of Plantacons might be desired to meet, and consider thereof, and Report their opinions to his Majesty whereupon no Agreement being Settled between them, the said Colonell Moryson, Sr Henry Chicheley, Edward Digg's, and John Jeffreys did upon the 16th present deliver in Proposalls which they conceived conducible to the good of Virginia, and the Lords Committees taking the same into serious Consideracon on the 19th Instant, and having fully heard the Lord Baltemore, and Sr Henry Chicheley, Colonell Moryson, Mr Diggs, and Mr Jeffreys, touching the said Proposalls, and Consulted with the Farmers of his Maties Customs thereupon their Lo^{dps} thought fitt humbly to represent to his Majesty.

1. First, That the Proposall touching a Cessation, stint or limitation of planting Tobacco in the said Plantacons is inconvenient both to the Planters and to his Maties Customes.

2. That the Proposall for limiting a time for Ships to return from Virginia or Maryland will be prejudicial both to ye Planters and his Maties Customes.

3. For incouragement of Planters in the said Colonies to apply themselves to the Planting other Comodities which may be of more benefit than Tobacco, his Ma^{ty} would be pleased to permit that all the Hemp, Pitch and Tarr of the growth, Production or manufacture of Virginia and Maryland, which should be brought into this Kingdome, for the space of 5 years from the date hereof might be Custome ffree.

Which report being read at the Board his Ma^{ty} present in Councill, and concurring in all particulars with ye Lords of the said Committee did order that there should be noe cessac̄on, stint, or limitation imposed on the planting tobacco in Virginia, or Maryland, nor any time limited for ships to come from either of those Plantac̄ons, but every trader thither to be ffree to return thence at his own time, and as his occasions should serve, and his Ma^{ty} of his Princely grace and favour being desirous to give all encouragement to the Planters of both Colonies, did direct that the Right Honble the Earl of Southampton Lord High Treasurer of England, and Lord Ashley Chancellor, and under Treasurer of the Exchequer, should give directions to the officers, and ffarmers of his Majesties Customes for ye time being to permitt, and suffer all the hemp, Pitch and Tarr, of the growth, production and Manufacture of the said Plantac̄ons of Virginia and Maryland, that shall be brought into the Kingdome during the space of five years from the date hereof to be freely imported, and unladed without demanding or receiveing any Custome, or Imposition for the same. Provided that Care be taken by his Maties officers that under pretence hereof his Majesty be not defrauded of his Dues and Customes, on any Pitch, Hemp or Tarr, which is not of the growth, Production, or Manufacture of these Plantac̄ons.

JOHN NICHOLAS.

1665.

[B. P. R. O. Shaftesbury Papers. Bdle. 48. No. 3.]

Articles of Agreement had and made betweene Edward Earle of Clarendon Lord High Chancellor of England George Duke of Albemarle Master of his Maj^{ties} Horse and Captain Gen: of all his Forces, William Lord Craven John Lord Berkeley Anthony Lord Ashley Chancellor of

his Majties Exchequor Sr George Carteret Kt and Barronet Vice Chamberline of his Majties Household Sr John Colleton Kt and Barro and Sr Wm Berkeley Kt the Lords Proprietrs of the Province of Carolina of the one part And Majr Wm Yeamans of Barbados for and on the behalfe of Sr John Yeamans Barro his Father Collonell Edmund Reade Symon Lambert Niccolas Edwards Robert Gibbs Samuell Tidcombe Henry Milles Thomas Lake Tho: Maycoke John Somerhayes Bartholomew Roes John Gibbs Basill Gibbs John Dickenson Thomas Gibbs Benjamin Rees Miles Scottow Nathanyell Meazericke Bartholomew Rees Junor John Arthur Samuell Smith Thomas Partrige John Walice John Brent John Godfrey George Thompson Robt Williams Lawrence Halske Wm Burges John Tothill James Thorpe Robt Tothill Wm Forster Thomas Merricke John Merricke George Phillips Edward Jacobs Robt Hackett Benjamin Waddon Robt Johnston Thomas Dickes Tho: Clutterhooke John Forster Will: Sharpe John Ham John Start Mathew Grey John Kerie Richard Baily Edward Thorneburgh Thomas Liston Anthony Long Thomas Norvill Giles Hall James Norvill Willm Woodhouse Jacob Scantlebury Samuell Lambart John Forster William Byrdall Richard Barrett Edward Yeamans John Killicott Isaac Lovell Thomas Clarke John Woode John Bellomy John Greenesmith Robt Breoitir Thomas Dowden Niccolas Browne John Wilson Robt Sinckter Thomas Perkins James Thorpe Robt Richards Benjamine Hadlnt Christopher Goupher James Walter James Haydensen Wm Birdall Mordecai Bowden Junor George Nore Humphrey Waterman and himselfe Adventurors to and Setlers of some part of the Province aforesaid and of all others that shall adventure settle and plant in the said Province of the other part as followeth;

Whereas the said Major William Yeamans is Imployed to the said Lords Propriators by the persons above mentioned and by them declared under theire hands to be their Agent and Representative and that they have given him full power to treate propose and conclude with the said Lords about all matters relating to that which they have allready done as alsoe to what shalbe necessary and convenient to be done obligeing themselves and their posterityes to accept of, stand to, and abide by whatsoever the said Majo William Yeamans shall conclude of and agree upon in relation to the Setlement of Carolina or any parte thereof, Now in pursuance of the power &c given to the said Majo Wm Yeamans by the parties above menconed. These present Articles doe witnes And it is covenanted graunted and agreed by and between the said partyes as followeth,

Imp^ris^ The said Lords for their parts their heires Execut^rs^ and Administrat^rs^ doe covenant and promise to performe fulfill and keepe all the Concessions and particulers that are to bee by them performed and keept menc̄oned in the Concession and agreem^ts^ hereunto annext contayning the man^r^ of Government wth severall Im̄unities and priviledges granted to all such persons as shall goe or send to plant or as are already planted in the respective Countyes or Collonys in these Province of Carolina.

Item The Lords doe further covenant and promis that they will cause to be shipt before the first day of February next twelve peeces of Ordinance with Carr^a^ges Saddles Spunges and shott convenient and necessary and twenty barrels of powder one hundred fierlocks and one hundred Matchlocks wth Leade and Bullets fitting as alsoe two hundred pare of Bandalyers for ye Armeing and Providing of a Foart to be erected and built neare Port Royall or neare some other harbour River or Creeke whose mouth or Entrance is Southward or Westward of Cape Romania in the Province aforesaid by the Respective Adventurers before menc̄oned or by any others under their Authority.

Item The Lords doe further covenant that every one of the Adventurers of the Island of Barbados and their associates of England New England the Leward Islands and Barmothos that hath subscribed and paid or shall subscribe and pay within forty days after notice of this in the Barbados, and the other places unto the Treasurer or Treasurers appointed or to be appointed by the Comittee choosen or to be choosen by the adventurers that are or shalbe to receave the same for the defraying the charge of carrying people that cannot pay for the transportation of themselves to port Royall or some Harbour River or Creeke whose mouth or Entrance is to the Southward or westward of Cape Romania and for ye making of some Fortification therefor and towards a setlement of those and other people in that place, and for other Nessessary Charges concerning the setlement aforesaid And shall send such proporc̄ons of men Armed and provided as their owne Comittee shall agree upon in the first ship or shipes that shalbe sett forth to begin a setlement there, shall have Graunted to them and their heirs for ever for every thousand pound of sugar subscribed and paid five hundred acres of land and soe in proportion for a greater or lessor some subscribed and paid as aforesaid to be taken up within five years after the date hereof and settled as other Lands are to be setled vizt with an able man Armed with a good Firelocke boare twelve Bullets to the pound Tenn pounds of powder and twenty pounds of Bullets with six Monthes provision within one yeare after ye takeing

up of the said Land which Land shalbe taken up to the South or Westward of Cape Romania and by Lotts as is proposed and prescribed in the Generall Concessions and Agreements concerning the setlement of the respective Countyes in the said Province And shall pay one halfe penny ster^{g} for every acre English measure yearely in manor as in the Concessions hereunto annexed.

Item The Lords doe further covenant and promis that whoever shall goe or send in the first Fleete wth Coll: John Yeamans he fayling with the first Govern^{r} or Deputy Govern^{r} shall have for his own head one hundred and fifty acres of land to him and his heires for ever English measure And for every able man servant he or shee shall carry or send armed and provided as aforesaid one hundred and fifty acres of land like measure, and to every such servant after the expiration of his or their time seaventy five acres of Land to be taken up by Lots as aforesaid in the place before men$\bar{c}$oned And to every other Sarv^{t} that shall there goe after the first fleete such quantyties as in the Generall Declaration is exprest, upon which hundred and fifty acres of land he shalbe obliged to keepe one able man and noe more and in fayler thereof to forfeite the same as in the Generall Concessions and agreement is exprest for which land there shalbe reserved yearlie to the Lords their heires and assignes one halfe penny ℔ acre English measure to be paid in manner, as for other Lands in the Concessions men$\bar{c}$oned.

In consideration whereof

The said Maj^{r} Will: Yeamans doth covenant as well on the behalfe of his Father Sr John Yeamans Bar^{o} and of Coll: Edmund Reade and of all the adventurers settlers and planters before exprest and of all others that shall adventure setle and plant as of himselfe that they shall for their pte perform fulfill and keepe all y^{e} particulers that are to bee by them performed men$\bar{c}$oned in the Concessions and Agreement hereunto annexed And that there shall be provided before the last day of September next two shippes of one hundred and twenty tonns each of them at least with Ordinance convenient in each shipp and with powder shott and provisions necessary for the transportation of such persons as cannot pay for the passage of themselves to the Southward of Cape Romania there to setle and plant and to erect a foart and in it to plant the Artilliry sent by the Lords afores^{d} for the retreate and preserva$\bar{c}$on of the first settlers and of those that shall follow In witness of truth the said Maj^{r} Wm. Yeamans hath hereunto set his hand and Seale this seventh day of January In the sixteenth yeare of his Maj^{ties} rayne Anno. Dom: 1664.

The Concessions and Agreement of the Lords Propryators of the Province of Carolina to and with the adventurers of the Island of Barbados and their associates of England New England the Carribbia Islands and Barmothos to the Province of Carolina and all that shall plant there In order to the setling and planting of the Countye of Clarendine the County of Albemarle and the County which latter is to bee to the southward or westward of Cape Romania all within the Province aforesaid.

1. Imp^ris^ Wee doe consent and agree that the Governor of each County hath power by the advice of his Councill to depute one in his place and Authority in case of death or removall to continue untill our further order unless wee have commissionated one before.

2. Item That he hath likewayes power to make choyce of and to take to him six Councillors at least or twelve at moast or any even Number between six and twelve with whose advice and consent or with at least three of the six or fower of a greater Number all being sum̃oned he is to govern according to the Lymitac̃ons and Instructions following during our pleasure;

3. Item That the chiefe Registers or Secretarys which wee have chosen or shall chuse wee fayling that hee shall chuse shall keepe exact enteryes in faire bookes of all publicke affares of the said Countyes and to avoyde deceiptes and lawsuits shall record and enter all Graunts of Land from the Lords to the planter and all conveyances of Land howse or howses from man to man, As alsoe all leases for Land howse or howses made or to be made by the Landlord to any tennant for more than one yeare which conveyance or Lease shalbe first acknowledged by the Grant^r^ or Leaso^r^ or proved by the oath of two witnesses to the conveyance or Lease before the Governor or some Chiefe Judge of a Court for the time being whoe shall under our hand us grant upon the backside of the said deede or Lease attest the acknowledgement or proofe as aforesaid which shalbe our grant for the Registers to record the same which Conveyance or Lease soe recorded shalbe good and effectuall in Law notwithstanding any other conveyance deede or Lease for the said Land howse or howses or for any part there although dated before the Conveyance deede or Lease soe recorded as aforesaid And the said Registers shall doe all other thing or things that wee by our Instructions shall direct and ye Governors Councell and Assembly shall ordaine for the good and wellfaire of the said Countyes;

4. Item That the Surveyor Gen^ll^ that wee have chosen or shall chuse wee fayling that the Governor shall chuse, shall have power by himself

or Deputy to survey ley out and bound all such Lands as shalbe granted from the Lords to the Planters (and all other Lands within the said Countyes &c which may concerne particular men as he shalbe desired to doe) And a particuler thereof certifie to the Registers to be recorded as aforesaid Provided that if the said Registers aud Surveyors or either of them shall soe misbehave themselves as that the Governor and Councill or Deputy Governor and Councill or the majr pte of them shall finde it reasonable to suspend their Actings in their respective Imployments it shalbe lawfull for them soe to doe untill further order from us;

5. Item That all choise of officers made by the Governor shalbe for noe longer time then during our pleasure;

6. Item That the Governors Councillors Assemblymen Secretarys Surveyors and all other officers of trust shall sware or subscribe (in a booke to be provided for that purpose) that they will bare trew alleagance to the King of England his heires and successors and that they wilbe faithfull to the Interest of the Lords Propryatrs of the said Province and their heires executors and assignes and endeavor the peace and wellfaire of the said Province and that they will trewly and faithfully discharge their respective trusts in their respective offices and doe equall justice to all men according to their best skill and judgmt without corruption favor or affection, and the names of all that have sworne or subscribed to be entred in a booke; And whosoever shall subscribe and not sware, and shall vyolate his promis in that Subscription shalbe lyable to the same punishmt that the persons are or may be that have sworne and broken their oathes;

7. Item That all persons that are or shalbecome subjects to the King of England and sware or subscribe allegiance to the King and faithfulness to the Lords as above shalbe admitted to plant and become freemen of the Province and enjoy the freedomes & Imunityes hereafter exprest untill some stop or Contradiccon be made by us the Lords or else by the Govrnor Councill and Assembly wch shalbe in force untill the Lords see Cause to the Contrary provided yt such stop shall not anywayes prejudice ye right or Continewance of any person that hath beene recd before such stop or order come from the Lords or Genll Assembly.

8. Item That noe person or persons quallifyed as aforesaid within the Province or all or any of the Countyes before exprest at any time shalbe anywayes molested punished disquieted or called in question for any differences in opinion or practice in matters of religious concernment whoe doe not actually disturbe the civill peace of the said Province or Countyes but that all and every such person and persons may from time to

time and at all times freely and fully have and enjoye his and their judgments and contiences in matt^rs of religion throughout all the s^d Province they behaving themselves peaceably and quietly and not using this liberty to Lycentiousness nor to the Civill Injury or outward disturbance of others, any Law statute or clause conteyned or to be conteyned usage or custom of this realme of England to the contrary hereof in anywise notw^thstanding.

9. Item That noe pretence may be taken by us our heires or assignes for or by reason of o^r right of patronage and pow^r of advowson graunted unto us by his Maj^ties Letters pattents aforesaid to infringe thereby ye Gen^ll clause of Liberty of Contience aforemenc̄oned We doe hereby graunt unto the Gen^ll assemblyes of ye sev^ll Countyes power by act to constitute and appoint such and soe many Ministers or preach^rs as they shall thinke fitt, and to establish their maintenance Giving Liberty besides to any person or persons to keepe and mainteyne w^t preachers or Ministers they please.

10. Item That the inhabitants being freemen or chiefe agents to others of ye Countyes afores^d doe as soone as this our Com̄ission shall arrive by virtue of a writt in our names by the Governor to be for ye present (untill our seale comes) sealed and syned make choice of twelve Deputyes or representatives from amongst themselves whoe being chosen are to joyne with him the s^d Governor and Councill for the makeing of such Lawes Ordinances and Constitutions as shalbe necessary for the present good and welfare of the severall Countyes afores^d but as soone as Parishes Divisions tribes or distric̄cons of ye said Countyes are made that then ye Inhabitants or Freeholders of the sev^ll and respective Parishes Tribes Devisions or Distric̄cons of the Countyes afores^d doe (by our writts under our Seale wch wee Ingage shalbe in due time issued) annually meete on ye first day of January and chuse freeholders for each respective denizon Tribe or parish to be ye Deputyes or representatives of ye same, which body of Representatives or ye Maj^r parte of them shall wth the Governor and Councill afores^d by ye Gen^ll Assembly of the County for which they shalbe chosen, the Governor or his Deputy being present unless they shall wilfully refuse in wch case they may appoint themselves a president during the absence of the Governor or his Deputy Governor.

Which Assemblyes are to have power.

1. Item To appoint their own times of meeting and to adjorne their sessions from time to time to such times and places as they shall thinke

Convenient as alsoe to ascertaine ye Number of their Quorum Provided that such numbers be not less than ye third pte of the whole in whome or more shalbe ye full power of the Generall Assembly (vizt)

2. Item To enact and make all such Lawes Acts and Constitutions as shalbe necessary for the well Goverment of ye County for wch they shalbe chosen and them to repeale provided that the same be consonant to reason and as near as may be conveniently agreable to the Lawes and Customes of his Maj^ties^ Kingdom of England provided alsoe that they be not against ye Interest of us the Lords Propryators our heires or assignes nor any of these our present concessions Espetially that they be not against the Article for Liberty of Contience abovemenc̄oned, which Lawes &c soe made shall receave publication from the Governor and Councill (but as the Lawes of us and our Gen^ll^ Assembly) and be in force for the space of one yeare and a halfe and noe more; Unless contradicted by the Lords Propryators within which time they are to be presented to us our heires &c, for our ratification and being confirmed by us they shalbe in continuall force till expired by their owne Limitac̄on or by Act of Repeale in like manner as afores^d^ to be passed and confirmed;

3. Item by act as afores^d^ to constitute all Courts for there respective Countyes, togeather wth ye Lymitts powers and jurisdicc̄ons of ye said Courts as alsoe ye severall offices & Number of Officers belonging to each of the s^d^ respective Courts togeather with there severall and respective salleryes fees and perquisites Theire appellations and dignities with the penalltyes that shalbe due to them for breach of their severall and respective dutyes and Trusts.

4. Item by act as afores^d^ to ley equall taxes and assessments equally to rayse moneyes or goods upon all Lands (excepting the lands of us the Lords Propryators before setling) or persons within the severall precincts Hundreds Parishes Manōrs or whatsoever other denizions shall hereafter be made and established in ye said Countyes as oft as necessity shall require and in such manner as to them shall seeme most equall and easye for ye s^d^ Inhabitants in order to the better supporting of the publicke Charge of the said Goverment, and for the mutuall safety defence and security of ye Countyes.

5. Item by act as afores^d^ to erect within ye said Countyes such and soe many Barronyes and Manōrs with their necessary Courts, jurisdicc̄ons freedomes and priviledges as to them shall seeme convenient, as alsoe to devide ye s^d^ Countyes into Hundreds Parishes Tribes or such other denizions and distric̄cons as they shall thinke fitt and the said Divisions to

distinguish by what names we shall order or direct, and in default thereof by such Names as they please As alsoe within any part of ye said Countyes to create and appoint such and soe many ports harbours Creekes and other places for ye convenient ladeing and unlading of goods and merchandize out of shipps, boates and other vessells as they shall see expedient with such jurisdiccons priviledges and francheses to such ports &c belonging as they shall judge most convenient to the gen^l^ good of ye said plantacon or Countyes.

6. Item by these enacting to be confirmed as afores^d^ to erect rayse and build within the s^d^ Countyes or any part thereof such and soe many Forts Fortresses Castles Cittyes Corporacons Borroughs Townes Villages and other places of strenkt and defence and them or any of them to incorporate with such Charters and priviledges as to them shall seeme good and our Charter will permit and the same or any of them to fortifie and furnish with such Proportions of ordinance powder shott Armor and all other weapons Ammunition and Habillaments of warr both offensive and defensive as shalbe thought necessary and convenient for the safety and welfare of ye s^d^ Countyes. but they may not at any time demolish dismantle or disfurnish the same without the consent of the Governor and the Major parte of the Councill of the County where such Forts Fortresses &c. shalbe erected and built;

7. Item by act as afores^d^ to constitute trayne bands and Companys with the number of souldiers for the safety strength and defence of the said Countyes and Province and of the Forts Castles Cittyes &c to suppress all meutinyes and Rebellions. To make warr offensive and defensive with all Indians Strangers and Foraigners as they shall see cause and to persue an Enemy by sea as well as by land if need be out of ye Lymitts and Jurisdiccons of ye s^d^ County with the perticculer consent of the Governor and under the Conduct of our Leut: Gen: or Comander in Chiefe or whome he shall appoint.

8. Item by act as afores^d^ to give unto all strangers as to them shall seeme meete a Naturalizion and all such freedomes and priviledges within the s^d^ Countyes as to his Maj^ties^ subjects doe of right belong they swearing or subscribing as afores^d^ wch said strangers soe naturallized and priviledged shall alsoe have the same Imunityes from Customes as is granted by the Kinge to us and by us to ye said Countyes and shall not be lyable to any other Customes then the rest of his Maj^ties^ subjects in the s^d^ Counties are but be in all respects accompted in the Province and Countyes aforesaid as the King's naturall subjects.

9. Item by act as afores[d] to prescribe y[e] quantityes of land which shalbe from time to time alotted to eavery head free or Sarv[t] male or female and to make and ordaine Rules for the casting of Lotts for Land and leying out of y[e] same provided y[t] these doe not their said prescriptions exceed y[e] severall proportions which are hereby graunted by us to all persons arriveing in y[e] s[d] Countyes or adventuring theither;

10. Item the Gen[ll] Assembly by act as afores[d] shall make provision for the maintenance and Support of the Governor and for the defraying of all necessary Charges of the Goverment as alsoe that the Cunstables of the respective Countyes shall collect the halfe penny ℔ acre payable to y[e] Lords in theire Countyes and pay y[e] same to y[e] receavor y[t] y[e] Lords shall appoint to receave the same unless y[e] s[d] Generall Assembly shall prescribe some other way whereby the Lords may have their rents duely collected w[th]out charge or trouble to them.

11. Lastly to enact constitute and ordaine all such other Lawes actes and constitutions as shall or may be necessary for the good prosperity and setlement of y[e] said Countyes excepting w[t] by these presents are excepted and conformeing to Limitac̄ons herein exprest.

The Governors are with theire Councill before exprest:

1. Item to see that all Courts established by the Lawes of y[e] Gen[ll] Assembly and all Ministers and officers Civill or Military doe and execute their severall dutyes and offices respectively according to the Lawes in force and to punish them from swerveing from the Lawes or acting contrary to their trust as the nature of their offence shall require.

2. Item according to the constitutions of the Gen[ll] Assembly to nominate and comissionate the severall Judges, Members and Officers of Courts wheither Majistraticall or Ministeriall and all other civill officers as Justices Coroners &c the Comissions and powers and Priviledges to revoake at pleasure provided that they appoint none but such as are freeholders in the Countyes afores[d] unless the Generall Assembly consent;

3. Item according to the Constitutions of the Gen[ll] Assembly to appoint Courts and officers in Cases Cryminall and to impower them to inflict penaltyes upon offenders against any of the Lawes in force in y[e] said Countyes as y[e] said Lawes shall ordaine wheither by fine Imprisonment Banishm[t] corporall punishm[t] or to y[e] taking away of member or of Life itselfe if there be cause for it.

4. Item to place officers and soldiers for the safety strenkt and defence of the Forts Castles Cittyes &c according to y[e] number appointed by the Gen[ll] Assembly to nominiate place and comissionate all millitary

officers under ye dignity of ye Leut: Gen^ll^ whoe is comissionated by us, over the sev^ll^ trayned bands and Companys constituted by ye Gen^ll^ Assembly as Colloncls Capts: &c and theire comissions to revoake at pleasure, ye Lent: Gen: with the advice of his Councill unless some present danger will soe permitt him to advize to muster and trayne all ye soldiers w^th^in the said County or Countyes to prosecute warr persue an Enemy suppress rebel^l^ions and mewtinies as well by sea as Land and to exercise the whole Millitia as fully as by our Letters pattents from the kinge wee can impower him or them to doe Provided y^t^ they appoint noe Military officers but w^t^ are freeholders in the s^d^ Countyes unless ye Gen^ll^ Assembly shall consent;

5. Item where they see cause after condemnac̄on to reprieve untill the Case may be presented with a Coppy of ye whole tryall proceedings and proofes to ye Lords who will accordingly eather pardon or com̄and execution of ye sentence on ye offender who is in ye meane time to be kept in safe custody till the pleasure of ye Lords be knowne

6. Item in case of death or other removall of any of the representatives within the yeare to issue summons by writt to ye respective division or divisions for which he or they were chosen com̄anding the freeholders of ye same to chuse others in their steade;

7. Item to make warrants and to seale Grants of Land according to theis our Concessions and the prescriptions by ye advice of ye Gen^ll^ Assembly in such forme as shalbe at large set down in our Instruc̄ons to ye Gòvernor in his Com̄ission and which are hereafter expressed.

8. Item to act and doe all other thing or things y^t^ may conduce to ye safety peace and well Government of ye said Countyes as they shall see fitt soe as they be not contrary to ye Lawes of ye Countyes aforesaid;

For the better security of the proprietyes of all the Inhabitants

1. Item They are not to impose nor suffer to be imposed any tax Custome Subsidy Tallage Assesment or any other duty w^t^soever upon any Culler or pretence upon ye s^d^ County or Countyes and the Inhabitants thereof other then what shalbe imposed by ye Authority and consent of ye Generall Assembly and then only in manner as aforesaid;

2. Item they are to take care ye land quietly held planted and possessed seaven yeares after its being first duely surveyed by the Surveyor Generall or his order shall not be subject to any review resurvey or alteration of bounds on w^t^ pretence soever or by any of us or any offic^rs^ or Ministers under us.

3. Item they are to take care y^t^ noe man if his Catle straye range or graze on any ground w^th^in the s^d^ Countyes not actually appropryated or

sett out to particuler persons shalbe lyable to pay any trespass for ye same to us our heires &c Provided y^t^ Custome of Comons be not thereby pretended to; nor any person hindred from taking up and appropriating any Lands soe grazed upon and y^t^ noe person purposely doe suffer his Catle to graze on such land.

4. Item it is our will and desire that ye Inhabitants of ye said Countyes and adventurers theither shall enjoye all the same Imunityes from Customes for exporting certine goods from these Realmes of England &c theither as ye Kinge hath been graciously pleased to graunt to us as alsoe for ye Incorragement of ye Manufact^rs^ of wine silke oyle ollives fruite almonds &c. menc̄oned in the pattent have priviledge for bringing them Custome free into any of his Maj^ties^ dominions for ye same time and upon ye same tearmes as we ourselves may by our Pattent.

And that the planting of the Countyes afores^d^ may bee the more speedily promoted:

1. Item The Governors are to take notice that wee doe hereby graunt unto all persons whoe have already adventured to Carolina or shall transport themselves or Sarv^ts^ before ye first day of January which shalbe in ye yeare of our Lord one thousand six hundred sixty five theis following proporc̄ons of land vizt if to ye County of Clarendon one hundred acres English measure to every freeman and as much to his wife if hee have one And to every freewoman y^t^ already is or shall arrive into ye s^d^ County with a Sarv^t^ or Sarv^ts^ to plant within ye Province afores^d^ one hundred acres like measure To a Mast^r^ or Mistres for every able man Sarv^t^ he or shee hath brought or sent or shall bring or send as afores^d^ being each of them armed with a good firelocke or Matchlocke boare twelve bullets to the pound ten pounds of powder and twenty pounds of bullets wth Match proportionable and victualled for six monthes fifty acres of like measure for every weaker Sarv^t^ hee or shee hath brought or sent or shall bringe or send as afores^d^ as woemen children and slaves above ye age of fowerteene yeares, And fifty acres like measure for every Christian Sarv^t^ y^t^ is brought or sent within ye s^d^ time to his or her proper use and behoofe when their time of servitude is expired;

2. Item to every freeman and freewoman y^t^ shall arrive in ye s^d^ County armed and provided as afores^d^ within the second yeare from ye first daie of January one thousand six hundred sixty five to ye first of January one thousand six hundred sixty six with an intenc̄on to planting seaventy five acres of Land and seaventy acres for every able man Sarv^t^ that he or they shall carry or send armed and provided as aforesaid:

3. Item for every weaker sarvant or slave adged as afores^{d} y^{t} shalbe carryed or sent theither within ye second yeare as afores^{d} forty acres of Land To every christian sarvant y^{t} shall arrive ye second yeare forty acres of Land of like measure after ye expiration of his servitude.

4. Item to every freeman or freewoman armed and provided as afores^{d} y^{t} shall goe and arrive with an intention to plant within ye third yeare from January one thousand six hundred sixty six to January one thousand six hundred sixty seaven fifty acres of Land like measure and for every able man sarv^{t} y^{t} he or they shall carry or send within ye s^{d} time armed and provided as afores^{d} the like quantity of Land and for every weaker sarv^{t} or slave adged as afores^{d} y^{t} he or they shall carry or send within the third yeare twenty five acres of Land and to every Christian sarvant soe carryed or sent in the third yeare twenty five acres of Land of like measure after the expiracon of his or their time of Sarvice;

5. Item we do hereby graunt unto all persons whoe have already adventured to Carolina or shall transport themselves or sarvants before ye first daie of January which shalbe in ye yeare of our Lord one thousand six hundred sixty five theis following proporcons of Land If to ye County of Albemarle eighty acres English measure to every freeman and as much to his wife if he have one And to every freewoman y^{t} already is or shall arrive into ye s^{d} County with a Sarv^{t} to plant within ye time afores^{d} eighty acres like measure To a Master or Mistres for every able man Sarv^{t} he or shee hath brought or sent or shall bringe or send as afores^{d} being each of them armed with a good firelock or matchlock boare twelve bullets to ye pound tenn pounds of powder and twenty pounds of bullets wth match proportionable and victualed for six monthes eighty acres of like measure and for every weaker Sarv^{t} he or she hath brought or sent or shall bringe or send as afores^{d} as woemen children and slaves above the age of fowerteene yeares, forty acres like measure And for every Christian Sarv^{t} y^{t} is brought or sent within ye said time to his or her proper use and behoofe when their time of Sarvitude is expired forty acres of like measure;

6. Item to every freeman and freewoman y^{t} shall arrive in ye s^{d} County armed and provided as afores^{d} within ye second yeare from ye first day of January one thousand six hundred sixtie five to ye first day of January one thousand six hundred sixty six wth an intencon to plant sixtie acres and sixty acres for every able man Sarv^{t} y^{t} he or they shall carry or send Armed and provided as aforesaid;

7. Item for every weaker Sarv^{t} or slave adged as afores^{d} y^{t} shall be carryed or sent theither wthin ye second yeare as afores^{d} Thirty acres like

measure To every Christian sarv^{t} y^{t} shall arrive ye second yeare Thirty acres of Land of like measure after ye expiracon of his or there time of servitude.

8. Item to every freeman and freewoman armed and provided as afores^{d} y^{t} shall goe and arrive wth an intencon to plant wthin ye Third yeare from January one thousand six hundred sixty six to January one thousand six hundred sixty seaven Forty acres of Land like measure, and for every able man sarv^{t} that he or they shall carry or send wthin ye s^{d} time armed and provided as afores^{d} ye like quantity of land, And for every weaker sarv^{t} or slave adged as afores^{d} y^{t} he or they shall carry or send within ye Third yeare Twenty acres of Land like measure, And to every Christian Sarv^{t} so carryed or sent wthin ye Third yeare Twenty acres of land of like measure after ye expiracon of his or there time of servitude;

9. Item we doe hereby graunt unto all persons who have already adventured to Carolina or shall transport themselves or Sarv^{ts} before ye first day of January which shalbe in ye yeare of our Lord one thousand six hundrd sixty five these following proporcons vizt to every freeman y^{t} shall goe wth ye first Govern^{r} from ye port where hee imbarkes (or shall meete him at ye Randeyvous he appoints) and from thence goe with him to ye southward or westward of Cape Romania wthin the province afores^{d} for ye settlem^{t} of a Plantacon there which we name to be ye County of——— Armed wth a good muskett boare twelve bullets to ye pound wth Tenn pounds of powder & Twenty pounds Bullets wth Bandalears and match convenient and wth six monthes provision, for his owne person arriveing there, one hundred and fifty acres of Land English measure And for every able man Sarv^{t} y^{t} hee shall carry wth him Armed and provided as afores^{d} and arriveing there ye like quantity of one hundred and fifty acres and whoever shall send Sarv^{ts} at y^{t} time shall have for every able man Sarv^{t} hee or they shall send armed and provided as afores^{d} and ariving there ye like quantity of one hundred and fifty acres and for every weaker Sarv^{t} or slave male or female exceeding ye age of fowerteene yeares which any one shall send or carry arriving there seaventy five acres of land and to every Christian Sarv^{t} exceeding ye age afores^{d} after ye expiracon of their time of service, seaventy five acres of land for there owne use.

10. Item to every Mast^{r} or Mistress y^{t} shall goe before ye first day of January wch shalbe in ye yeare of our Lord one thousand six hundrd sixty five one hundrd and Twenty acres of land and for every able man Sarv^{t} y^{t} hee or shee shall carry or send armed and provided as afores^{d} and ar-

riveing w^th^in ye time afores^d^ ye like quantity of one hund^rd^ & Twenty acres of Land and for every weaker Sarv^t^ or slave male or female exceeding ye age of fowerteen yeares ariving there sixty acres of land and to every Christian Sarv^t^ to there owne use and behoofe sixty acres

11. Item to every freeman and freewoman y^t^ shall arrive in ye s^d^ County armed and provided as afores^d^ w^th^in ye second yeare from ye first of Jannary one thonsand six hundred sixty five to ye first of January one thousand six hund^rd^ sixty six wth an Intenc̄on to plant ninety acres of Land English measure and for every able man Sarv^t^ y^t^ hee or shee shall carry or send Armed and provided as afores^d^ Ninty acres of Land of like measure.

12. Item and for every weaker Sarv^t^ or slave adged as afores^d^ y^t^ shalbe soe carryed or sent theither w^th^in ye second yeare as afores^d^ forty five acres of Land of like measure, and to every Christian Sarv^t^ y^t^ shall arrive ye second yeare forty five acres of land of like measure after ye expiration of his or there time of servitude, for there owne use and behoofe, all wch Lands soe granted in ye 9: 10: 11: and 12: articles preceeding and ye 13th following are ment and intended to be taken up and given in ye County of and not elsewhere,

13. Item to every freeman and freewoman armed and provided as afores^d^ y^t^ shall goe and arrive wth intenc̄on to plant w^th^in ye Third yeare from Jannary one thousand six hundred sixty six to January one thousand six hundred sixty seaven armed and provided as afores^d^ sixty acres of land like measure and for every able man Sarv^t^ y^t^ hee or they shall carry or send w^th^in ye s^d^ time armed and provided as afores^d^ ye like quantity of sixty acres of land and for every weaker Sarv^t^ or slave adged as afores^d^ y^t^ he or they shall carry or send w^th^in ye Third yeare thirty acres of land, and to every Christian Sarv^t^ soe carryed or sent in ye third yeare thirty acres of Land of like measure, after ye expirac̄on of his or there time of service, All which land and all other y^t^ shalbe possessed in s^d^ Countyes are to be held on ye same tearmes and Condic̄ons as is before menc̄oned and as hereafter in the following Pharagraphes is more at large exprest Provided y^t^ all ye before menc̄oned Land and all other w^t^soever y^t^ shalbe taken np and soe setled in ye s^d^ Province shall afterwards from time to time for ye space of thirteene yeares from ye date hereof be held upon ye Condic̄on afores^d^ of continewing one able man Sarv^t^ or two such weaker Sarv^ts^ as afores^d^ on every hundred acres Master or Mistres shall possess besides w^t^ was graunted for his or her owne person, In failer of wch upon Notificac̄on to ye present Occupant or his assignes, there shalbe three yeares given to such for there compleating the said Number of persons

or for there sayle or other disposure of such part of there Lands as are not soe peopled w^th^in ye time of three yeares if any person holding any Lands shall faile by himselfe his agents executors or assignes or some other way to provide such number of persons, Unless the Gen^ll^ Assembly shall without respect to poverty judge y^t^ it was impossible for ye party soe fayleing to keepe or procure his or her Number of Sarv^ts^ to be provided as afores^d^ In such case wee ye Lords to have power of disposeing of soe much of such Land as shall not be planted wth its dew Number of persons as afores^d^ to some other y^t^ will plant ye same; Provided alwayse y^t^ any person who hath a stocke of Catle sheepe or such like on his hands shall for every greater soart of Cattle wch hee hath at ye time of such forfeiture as horses Kine &c, retain two acres, and for every lessor sorte as sheepe hoggs &c one acre Provided alsoe y^t^ noe persons arriveing into ye s^d^ Countyes wth purpose to setle (they being subjects or Naturallized as afores^d^) be denyed a graunt of such proporc̄ons of Land as at ye time of there arrivall are due to themselves or Sarv^ts^ by Concession from us as afores^d^ but have full Lycence to take up and setle ye same in such order and manner as is granted or prescribed all Lands notw^th^standing (ye powers in ye Assembly afores^d^) shalbe taken up by warrant from ye Governor and confirmed by ye Governor and Councill under a Seale to be provided for y^t^ purpose in such order and meth-hood as shalbe set downe in this declaration and more att Large in ye Instruc̄ons to ye Governor and Councill.

And that the lands may be the more regulerly layd out and all persons the better ascertayned of there titles and possessions.

1. Item in the bounding of ye County of Clarendon the Governor and Councill (and Assembly if any bee) are to make choyce of (and confine themselves and planters to) one side of ye mayne river neare Cape Faire, on which some of ye adventurers are already setled or intend to setle and ye Islands in or neare ye said River next ye side they setle on, Unless they have already setled some Island neare ye other side which if they have they may continew thereon;

2. Item the Governor of ye County of with ye advice of his Councill is to bound ye said County as he shall see fitt not exceeding Forty myles square or sixteene hundred Square myles.

3. Item they are to take care and direct y^t^ all Lands bee devided by Gen^ll^ Lotts none less then two thousand two hundred acres nor more then two and twenty thousand acres in each Lott excepting Cittyes Townes &c and ye neare Lotts of towneshipps and y^t^ ye same be undecimally devided one eleaventh part by lott to us our heires and Assignes

ye Remaynd^r^ to persons as they come to plant ye same in such proporc̄ons as is allowed;

4. Item that ye Governor of each County or whome he shall depute in Case of death or absence if some one be not before Com̄issionated by us as afores^d^ doe give to every person to whome land is due a warrant syned & sealed by himselfe and ye Major pte of his Councill and directed to ye Surveyor Gen^ll^ or his Deputy com̄anding him to ley out Lymitt and bound acres of Land (as his due proporc̄on is) for such a person in such allotm^t^ according to wch warrant ye Register having first recorded ye same and attested the record upon ye warrant ye Survey^r^ Gen^ll^ or his Deputy shall proceed and certifie to ye Chiefe Secretary or Register ye Name of ye person for whome he hath layde out land, by virtue of w^t^ authority ye date of ye authority or warrant ye Number of acres ye bounds and on w^t^ poynt of ye Compass ye Severall Lymitts thereof lye which Certificate the Register is likewayse to enter in a booke to be prepared for y^t^ purpose with an Alphabeticall table referring to ye booke soe ye Certificate may be ye easier found and then to file ye Certificates and ye same to Keepe safely The Certificate being entered a warrant comprehending all ye particculers of Land menc̄oned in ye Certificate afores^d^ is to be syned and sealed by him and his Councill or ye Major pte of them as afores^d^ (they haveing seen ye entry) and directed to ye Register or Chiefe Secretary for his preparing a Graunt of ye land to ye party for whome it is layd out wch Graunt shalbe in the forme following vizt

The Lords Proprietors of the Province of Carolina doe hereby graunt unto A. B. of ye county of Clarendon (or in w^t^ County ye same shalbe) in ye province afores^d^ a plantac̄on in ye said County Conteyning Acres English measure Bounding as in ye said Certificates to hold to him (or her) his (or her) heires and Assignes for ever Yielding and paying yearly to ye said Lords Proprietors their heires or Assignes every twenty fifth day of March according to ye English Acc^o^ one halfe penny of Lawfull English mony for every of ye said Acres To be holden of ye manner of in free and Com̄on Soccage, ye first paym^t^ of wch rent to beginn ye twenty fifth day of March which shalbe in ye yeare of our Lord one thousand six hund^rd^ and seaventy according to ye English Account, Given under ye seale of ye County of Clarenden ye day of in ye yeare of our Lord

To which Instrument ye Governor or his Deputy hath hereby full Authority to put ye^e^ seale of ye said County and to subscribe his Name as alsoe ye Councell or Maj^r^ pte of them are to subscribe there Names and then ye Instrument or Graunt is to be by ye Register recorded in a

Booke of Records for y^t^ purpose all wch being done according to these instruccons we hereby declare y^t^ the same shalbe effectuall in Law for ye Injoym^t^ of ye said plantacon and all ye benefitts and profitts of and in ye same, except ye halfe part of Mynes of Gold and Silver paying ye rent as afores^d^ Provided y^t^ if any plantacon so granted shall by ye space of three yeares be neglected to be planted with a sufficient Number of Sarv^ts^ as is before menconed y^t^ then it shalbe lawfull for us otherwayse to dispose thereof in whole or in part This graunt notw^th^standing.

5. Item We doe alsoe graunt convenient proporcons of land for highways and for streetes not exceeding one hundred foote in bredth in Cittyes Townes Villages for churches Forts wharfs Keys Harbours and for publicke houses and to each parish for ye use of there Ministers one hundred Acres in such places as ye Gen^ll^ Assembly shall appoynt;

6. Item ye Governors are to take notice y^t^ all such lands leyd out for ye uses and purposes in ye next preceeding Article shall be free and exempt from all rents Taxes and other Customes or dutyes w^t^soever payable to us our heires or Assignes.

7. Item that in leying out Lands for Cittyes Townes Villages Burroughes or other Hamlets ye said lands be undecimally devided one eleaventh part to be by lott layd out for us and ye rest devided to such as shalbe willing to build thereon they paying after ye rate of one halfe penny per Acre yearely to us, as for there other lands as afores^d^ wch said Lands in Cittyes Townes &c is to be assured to each possessor by ye same way and Instrewment as is before menconed.

8. Item That all Rules relating to building of each streete or quantity of ground to be alotted to each house within ye said respective Cittyes Burroughs and Townes be wholy left by act as afores^d^ to ye wisdome and discrecon of ye Generall Assembly;

9. Item That ye Inhabitants of ye said County have free passage through or by any Seas bounds Creekes Rivers &c. in ye said Province of Carolina through or by which they must necessarily pass to come from ye Mayne Ocean to ye Countyes afores^d^ or any part of ye Province afores^d^;

10. Lastly it shalbe Lawful for ye Representatives of ye freeholders to make any address to ye Lords touching ye Governor and Councill or any of them or concerning any Greivances whatsoever or for anything they shall desire without the Consent of the Governor and Councell or any of them,

(Endorsed)
Sealed and Delivered in ye presence of us
JO: PERYN.
THO: WALKER

January 7th 1664–5

It is this day agreed by the Lords Propryators of Carolina that although the County of Clarendon neare Cape Faire, and all the tract of ground as farr as to the southward of the river St Mathias and west as far as the South Seas, be for the present, under the Government of Sir John Yeamans, yet notwithstanding it is ment and intended, that that parte of it which is about to be setled to the southward and westward of Cape Romania be a distinckt Government from the County of Clarendon, and that there be a distinckt depnty Governor for the present and that it be called the County of Craven and as soone as it shalbe conveniently setled by the said Sir John Yeamans or any other that there be a distinckt Governor comissionated to governe there.

[B. P. R. O. Col: Ent: Book. No. 20. p. 22.]

Mr. Drummond.

Sir,

Our last unto you was by Mr Peeter Carteret accompaning your Comission and Instructions for the Government of the County of Albemarle in which we confined the County to 40. myles square or 40. square myles, in which there was a mistake for it should have been 1600 square myles instead of 40. of which you are to take notice and to bound the County accordingly and if it be not enough to comprehend all the plantations already under that Government give us notice of the deft, and on what points of the Compas those plantations lye, that are without the bounds (from the entrance of the mayne River) and we cann soone enlarge your bounds; and shall if there be reason for it, wee rest

Cockpitt. Your very loving frinds.

January 7th 1664–65.

[B. P. R. O. Col: Ent: Book. No. 20. p. 21.]

Sir John Yeamans

Sir,

Haveing receaved a good carrector of your abillityes and Inteagryty and of your loyalty to the kinge from Sir John Colleton, with an assurance that you will viggorously attempt the setling of a Collony or plan-

tation to the southward of Cape Romania which will conduce much to the Interest and honour of the kinge and advantage of his people, and more especially that of the first setlers, wee have in the first place prevaled with his Majestie to conferr the honor of a knight Barronet upon you and your heires, to whome wee have given assurance that you will deserve the same;

In the next place we have by our Commissions which goes by your Sonn, made you our Lieutenant Generall and Governor of that parte of our Province of Carolina, which we conceave may most conduce to the setlement aforesaid and in as much as cann yet be under our Government for many reasons which we have not time to shew, we have in our agreement with your Sonn indeavoured to comprehend all Interests especially that of New England from whence the greatest stocke of people will in probabillity come, our more southerne plantations being already much drayned, wherefore we advize you to contrive all the good wayes you cann imagen to get those people to joyn with you in which there wilbe a common Utillity especially by keepinge those in the Kinges dominions that either cannot or will not submitt to the Government of the Church of England.

As for the six thousand acres of Land by you desired from us we doe here oblige ourselves to graunt the same to you or your assignes to be by you or them taken to the southward or westward of Cape Romania, by lott as other lands are to be taken up, in which we desire you to avoyde the comeing to neare the home Lotts which if you shall doe for any greate proportion, it will thin the people and weaken that part to the indangering of the whole, and alsoe as you take it up or cause it to be taken up and bounded within 3. yeares after the date hereof, you paying one halfe penny per acre English measure yearely the first payment to begin the 25th day of March which shalbe in the yeare of our Lord 1670. according to the English account.

Wee doe likewayse ingage ourselves to graunt to your frind Captain William Merricke or assignes fifteene hundred acres of Land English Measure, in the places upon the tearmes, wee have ingaged to graunt to you, wishing you good success and prosperity in your intended voyage and undertakings

we rest

Your very loving frinds.

Cockpitt this 11th January 1664.

[B. P. R. O. Col: Ent: Book. No. 30. p. 19.]

Edward Earle of Clarendon Lord High Chancellor of England, George Duke of Albemarle &c; The trew and absolute Lords Propryators of all the Province of Carolina.

To our trusty and well beloved Sir John Yeamans Barronet Governor of our County of Clarendon neare Cape Faire and of all that tract of ground which lyeth southerly as farr as the river St Mathias which bordereth upon the Coast of Florida within 31. degrees northerne lattitude and soe west as farr as the South Seas as alsoe of all Islands and Islets, Rivers and Seas within the said bounds and our said Province of Carolina, And to our trusty and well beloved our Councellors and assistants to our said Governor, Greeting;

Bee it knowne unto all men that we the said Lords and absolute propryators of the said County and tract of ground within the province aforesaid for divers good causes and considerations but more especially out of the trust and confidence reposed by us in you our said Governor and Councellors for the faithfull management of the powers and authorityes by us to you given to the best avayle and improvement of our Interest and Dominion in the said County of Clarendon, and all the tract of ground aforesaid; within our said Province and for the best avayle and improvement of the Interest, Liberty, propryetey and defence of all such as shall plant and inhabit there Land given, graunted and by these presents doe give and graunt (during our pleasure) unto you our said Governor by and with the advice and consent of our Councell or any 3. or more of the 6. or 4. or more of a greater number full and absolute power and authority for us and in our Names to lett sell convey and assure such lands in our said County and tract of ground aforesaid to such person and persons and for such estate and estates, and with such provisoes conditions and limitations as we by our concessions and agreement under our greate seale bareing date with thes presents to and with the adventurers of the Island of Barbados and there Assotiates of England Newengland the Carribbia Islands and Barmothos are obliged to graunt, and as you shalbe directed by such other instructions and Rules as from time to time you shall receave from us and not otherwayes, thereby rattyfying and confirming whatsoever you shall Lawfully doe pursuant to the Concessions and Agreement and to such instructions rules and directions as aforesaid; as alsoe to make doe performe and execute all and singuler

act and acts thing and things powers and authorityes whatsoever, which we ourselves may can might or could doe in for concerning or relateing unto the Government both civill and millitary of the said County and tract of ground aforesaid by virtue of the Letters pattents of his most excellent Majtie Charles the Second by the grace of God Kinge of England Scotland France and Ireland defender of the faith beareing date at Westminster the twenty fourth of March in the 15 yeare of his Reigne to be exercised neavertheless according to such Instructions or with such Limitations restrictions conditions and provisoes as in these presents are hereafter conteyned, hereby rattyfying confirmeing and allowing all and eavery such act and acts thing and things which our said Governor and our said Councellors in our names shall doe in the premises pursuant to the authority hereby comitted, Provided and it is hereby declared that this present deede or any thing therein conteyned, doth not extend nor shall it be deemed or taken to extend to give up to our said Governor or our said Councellors or either or any of them any power or authority to make any maner of graunt conveyance demise or other like disposition of any lands lyeing within or being parte of the said County and tract of ground aforesaid, but according to our Concessions and Instructions and reserveing for every acre English measure which by virtue of this authority we shall graunt to any person or persons one halfe penny of Lawfull money of England yearely rent to be paid to us our heirs or Assignes on every 25 day of March according to the English accompt the first payment whereof to begin on the 25 day of March which shalbe according to the English accompt in the yeare of our Lord God 1670 provided alsoe that noe order or Lawes made or to be made by virtue of this our Authority shalbe in force as Lawes for any longer tearme then one yeare and a halfe within one yeare of which time they shalbe transmitted and presented to us for our assent which being given they shalbe in continewall force till expired by there owne limitation or by act repealed to be confirmed as aforesaid Provided alsoe that the executive parte of all the said powers hereby given shalbe made and exercised by you our said Governor by or with the advice and consent of the Major parte of our Councell, and if it shall happen that our said Governor or any of our said Councell shall departe or be absent any time from our said County and tract of ground aforesaid unless other provision be by us made that then it shall and may be Lawfull to and for our said Governor and Councell or the Major parte of them resident in our said County and tract of ground aforesaid to nominate elect and appoint any such able person or persons as in there Discretion to them

shall seeme most fitt to serve in and supply the place of such of the said persons respectively during there absence from our said County and tract of ground aforesaid Giveing and granting unto him or them soe chosen during the absence of our saaid Governor or Councellors as full large and ample powers as we by these presents to our said Governor or Councillors have given any thing in this present Comission in any wise to the contrary notwithstanding And also in case of death of any Governor or death or removall of any member of our said Councell from time to time to nominate and elect fitt and able persons in there steads or places respectively which persons so nominated and choasen shall exercise all powers to there said offices respectively belonging till our pleasure be signified to the Contrary.

[B. P. R. O. Col: Ent: Book. No. 20. p. 18.]

Edward Earle of Clarendon Lord High Chancellor of England, George Duke of Albemarle &c. The trew and absolute Lords Propryators of the Province of Carolina.

To our trusty and well beloved Sir John Yeamans Bart: Greeting;

Wee doe hereby constitute and appoint you (during our pleasure) Governor of our County of Clarendon neare Cape Faire and of all that tract of ground which lyeth southerly as farr as the River St Mathias which bordereth upon the coast of Florida within 31. degrees northerne lattitude and soe west as farr as the south Seas as alsoe all Islands and Islets Rivers and Seas within the said bounds and our said Province of Carolina. With power to nominate appoynt and take to you 12. able men at most, 6. at least to be of your Councell or assistance or any eaven number between 6. and 12. unless we have before made choyce of or shall chuse all or any of them,

And we doe further constitute and appoint you to be our Lieutenant Generall (during our pleasure) of the County and tract of ground above mentioned and of all our forces raysed and to be raysed within our said County and tract of ground aforesaid for the security of the same and the parts adjasent within our said Province, over which forces you are to place Officers and to cause them to be duely exercised in Armes and to doe all and every other thing or things which unto the Charge and Office of a Lieutenant Generall of our Army belongeth or hath accustomed to

belonge, as fully and freely as any Lieutenant Generall hath eaver had the same commanding all infearyor officers and soldiers of our said Armyes you to obey as there Lieutenant Generall according to this our Comission and the powers thereby given unto you, and according to the Laws and dissipline of warr, and you yourselfe alsoe are to observe and follow such orders and directions as from time to time you shall receave from us and in all things to governe yourselfe as unto your duty and place of a Lieutenant Generall of an Army and Governor of our said County and tract of ground aforesaid doth appertayne and belonge. Given under our Greate Seale of our said Province this 11th January An: D: 1664.

[B. P. R. O. Col: Ent: Book. No. 20. p. 21.]

Cockpitt this 11th January 1664–5.

Gentlemen,

We have receaved your letter of the 29th of August and 8th of October by Major William Yeamans who hath made knowne your desires touching your settlement and planting in our Province of Carolina, as alsoe his power from you to treate and conclude with us concerneing the same in which we assure you he hath beene very carefull of your advantage and interest and by his injenuity hath prevayled with us to consent to more, then severall people would have accepted from us, of which we doe noe wayse repent considering your forwardness to setle neare Cape Faire before you had an assurance of any conditions from us, and your resolution to make another setlement to the southward or westward of Cape Romania which we much desire out of respect to the Nations and your Interest which will thereby receave severall advantages which we hope wilbe a motive to press you viggorously forward to that worke, we have done our parte in order there unto, as will appear by our Concessions or Agreement which your Agent Major William Yeamans on your behalfes, to whome and to our Ingagement under our hands and seale, we refer you, Pleas to be confident that there is nothing that may be fitt for us to graunt more, or to obtayne for you from his Majestie but that we shall doe the one and indeavour to procure the other, as soone as we understand that you have begunn the southermost setlement: wishing you good success & prosperity in your undertakings, we rest

Your very loveing freinds.

[B. P. R. O. SHAFTESBURY PAPERS. BDLE. 48. No. 4.]

Honerd S^{r}

I understand by Mr Drummond and Mr Carterett that you and the rest of the Right Honorable the Lords Proprietors of the Province of Carolina have appointed me to be Surveyor for your Countie of Albemarle Wherein ("Pray be pleased to assure your Lordships") I will endeavour to serve you faithfully, and to the uttermost of my Power promote your Interest. And though I know it befitts not me to dispute your comands but rather to operate them Cœca Obedientia yet (by your Honors permission) I cannot omit to performe another part of my dutie (so I am though unworthy) one of the counsell here to give you my opinion concerning some passages in the Instructions your Honore sent us. First for the bounds of the Countie of Albemarle fortie miles square will not comprehend the Inhabitants there already seated. And sixteen hundred square miles may be laid out by runing only on the Verges of the Rivers and Creekes where generally men seat and where (for the most part) the plantable land lies so disadvantagious to your Honores Interest, and the Inhabitants Welfare; that no reasonable line of communication will be able to unite them either for defence or Traffick. So that I conceive it will be most comodious to bound this Governmt. On the south side with the North end of Croatan Island Thence west to Morattuck, Including all the Branches thereof, Thence North as far as your Patent extends Then East to the Sea; And to prohibit all Persons for some time from seating beyond there bounds as also not yet to seat up Morattuck: Which bounds though they are greater than your Honors Instructions allow for Albemarle countie yet are they not more than will consist well with one Governmt. It being (in my opinion) very inconvenient to erect divers Governments to have Passage through one-anothers Territories or Inletts: as Maryland having no Inlet for shipping but through the Capes of Virginia. May (if any difference shall happen between those two Governments) in a high measure feel the Inconvenience And the Inhabitants of all the streams or rivers within this Government must be supplyed with Commodities from such Vessells as shall arrive through Roanokea Inlett which for ought we can perceive must always be of very small burthen. for although Capt Whitties vessell this winter at her coming in found fifteene feete water, yet her going out she had but eleaven feete and though she drew not eight foote water, struck twice or thrice notwithstanding they had Beatoned the Chanell and went out in the best of it, at full sea; so uncertaine are all those In-

letts. There is another Inlett at Wococock or Wococon which hereafter may serve for an other Government betweene this and Cape Feare, if to your Honore it shall seem Convenient.

Next the Proportione of Land you have allotted with the Rent, and conditione are by most People not well resented and the very Rumor of them dis-courages many who had intentions to have removed from Virginia hether: Whilst my Lord Baltamore allowed to every Persons imported but fiftie acres; Maryland for many yeares had scarce fiftie families, though there Rent was rather easier then in Virginia; but when he allotted one hundred Acres for a Person, it soone began to People. and when he found them begin to increase, he brought it to fiftie a head againe So if your Lordships please to give large Incouragement for some time till the country be more fully Peopled, your Honore may contract for the future upon what condition you please But for the Present, To thenke that any men will remove from Virginia upon harder Conditione then they can live there will prove (I feare) a vaine Imagination, It bein Land only that they come for.

I shall give you Sr Francis Bacons owne words in his Essay of Plantation

"Planting of Counties is like planting of Woods, for you must make account to loose almost Twenty yeares Profitt and expect your recompense in the end: for the Principall thing that hath bin the destruction of most Plantations hath bin the hastee drawing of Profit in the first yeares."

And it is my Opinion, (which I submitt to better Judgements) that it will for some time conduce more to your Lordshipe Profit to permit men to take up what tracts of Land they please at an easie rate, then to stint them to small proportions at a great rent, Provided it be according to the custome of Virginia which is fifty Pole by the river side, and one mile into the woods for every hundred acres; there being no man that will have any great desire to pay Rent (though but a farthing an acre) for more land than he hopes to gaine by. Rich men (which Albemarle stands in much need of) may perhaps take up great Tracts; but then they will endeavour to procure Tenants to helpe towards the payment of their Rent, and will at their owne charge build howseing (which poore men cannot compasse) to invite them: Besides to have some men of greater possessions in Land then others, will conduce more to the well being and good Governement of the Place than any Levelling Paritie To reduce Planters into Townes, is here almost impossible; when the country is Peopled and comerce increased it may more easily be effected, by appoynting Ports and Marketts whether not only Merchants but all Tradesmen and

Artificers will resort for habitation, and in short time lay the foundation to superstructures of Townes and Citties; Alwayes Provided there be a course taken for procuring a coine with out which no Towne nor Markitt can well subsist: And this can no way be effected but by the ballance of Trade; And therefore I doe most highly applaude your Lordshipe designe of making Wine in this Country: for I am confident that if the value of the drinke only within Twenty yeares past brought into Virginia had been Imported in Silver; Virginia would have had more money for the number of her English Inhabitants then most if not the most opulent countrys have in Europe. But S^r^ I begin now to go beyond my last If my zeale to this Place (which I have many years endeavoured and encouraged to seate) transports me to this kind of building Castles in the Aire, I hope your Goodnesse will be pleased to excuse me since I perceive there are some well willers to this Place in England doe the like: I shall therefore conclude with this humble request that you will be pleased to entertain thes Truth for a Maxim

Those that live upon a Place are best able to Judge of that Place Therefore the Petition of the Generall Assemblie that was here convened will diserve your Honors serious consideration; of which with theire other proceedings likewise, I doubt not but our Noble Governor will give you a true Accompt, he being by the Assembly therewith intrusted And if in any thing (besides the Publique) I can serve your Perticular Interest Command

Sir

Your most faithfull and most humble servant
THO: WOODWARD

I make no question but Mr Carteret our Secretary will answer all your expectations for I assure you he is Diligent; and the Spanish Proverb tells us.

Que la buena Diligencia, es la Madce de la Buena Ventura.

Albemarle Counties June 2nd 1665.

(Endorsed)
To the Honorable
SIR JOHN COLLATON
neere
St Jameses
London
these present
T WOODWARD
to
SIR JOHN COLLETON
2nd June 65

[Reprinted from Revised Statutes of North Carolina, Vol. II, Page 1.]

THE SECOND CHARTER GRANTED BY KING CHARLES THE SECOND, TO THE PROPRIETORS OF CAROLINA, DATED THE THIRTIETH DAY OF JUNE, IN THE SEVENTEENTH YEAR OF HIS REIGN, A. D., 1665.

Charles the second, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. Whereas, by our letters patent, bearing date the twentyfourth day of March, in the fifteenth year of our reign, we were graciously pleased to grant unto our right trusty and right well-beloved cousin and counsellor Edward Earl of Clarendon, our high chancellor of England; our right trusty and entirely beloved cousin and counsellor George Duke of Albemarle, master of our horse; our right trusty and well-beloved William now Earl of Craven; our right trusty and well-beloved counsellor John Lord Berkeley; our right trusty and well-beloved counsellor Anthony Lord Ashley, chancellor of our exchequer; our right trusty and well-beloved counsellor Sir George Carteret, knight and baronet, vice-chancellor of our household; our right trusty and well-beloved Sir John Colleton, knight and baronet; and Sir William Berkeley, knight; all that province, territory, or tract of ground, called Carolina, situate, lying and being within our dominions of America; extending from the north end of the island called Luke Island, which lieth in the southern Virginia seas, and within thirtysix degrees of north latitude; and to the west, as far as the south seas; and so respectively as far as the river of Matthias, which bordereth upon the coast of Florida, and within thirtyone degrees of northern latitude; and so west, in a direct line, as far as the south seas aforesaid.

Now know ye, That we, at the humble request of the said grantees, in the aforesaid letters patent named, and as a further mark of our especial favour to them, we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favour to the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, all that province, territory or tract of land, situate, lying and being within our dominions of America aforesaid; extending north and eastward, as far as the north end

of Currituck river or inlet, upon a strait westerly line to Wyonoak creek, which lies within or about the degrees of thirtysix and thirty minutes, northern latitude; and so west, in a direct line, as far as the south seas; and south and westward, as far as the degrees of twentynine, inclusive, of northern latitude; and so west, in a direct line, as far as the south seas; together with all and singular the ports, harbours, bays, rivers and inlets, belonging unto the province or territory aforesaid; and also, all the soils, lands, fields, woods, mountains, ferms, lakes, rivers, bays and islets, situate or being within the bounds or limits last before mentioned; with the fishings of all sorts of fish, whales, sturgeons, and all other royal fish in the sea, bays, islets and rivers, within the premises, and the fish, therein taken, together with the royalty of the sea upon the coast within the limits aforesaid; and moreover all veins, mines and quarries, as well discovered as not discovered, of gold, silver, gems and precious stones, metal, or any other thing, found, or to be found, within the province, territory, islets and limits aforesaid; and furthermore, the patronage and advowsons of all the churches and chapels, which, as Christian religion shall increase within the province, territory, isles and limits aforesaid, shall happen hereafter to be erected; together with license and power to build and found churches, chapels and oratories, in convenient and fit places, within the said bounds and limits; and to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom of England; together will all and singular the like and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, and franchises of what kind soever, within the territory, isles, islets and limits aforesaid: to have, hold, use, exercise, and enjoy the same, as amply, fully and in as ample manner, as any Bishop of Durham, in our kingdom of England, ever heretofore had, held, used, or enjoyed, or of right ought or could have, use, or enjoy: and them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, we do, by these presents, for us, our heirs and successors, make, create, and constitute, the true and absolute lords and proprietors of the said province or territory, and of all other the premises; saving always the faith, allegiance, and sovereign dominion, due to us, our heirs and successors, for the same; to hold, possess, and enjoy the said province, territory, islets, and all and singular other the premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John

Colleton, and Sir William Berkeley, their heirs and assigns forever; to be holden of us, our heirs and succesSsors, as of our manor of East Greenwich, in Kent, in free and common socage, and not in capite, or by knight's service: yielding and paying, yearly, to us, our heirs and successors, for the same, the fourth part of all gold and silver ore, which, within the limits hereby granted, shall, from time to time, happen to be found, over and besides the yearly rent of twenty marks, and the fourth part of the gold and silver ore, in and by the said written letters patent reserved and payable.

And that the province or territory hereby granted and described, may be dignified with as large tythes and privileges, as any other parts of our dominions and territories in that region: Know ye, That we, of our further grace, certain knowledge, and mere motion, have thought fit to annex the same tract of ground or territory unto the same province of Carolina; and out of the fulness of our royal power and prerogative, we do, for us, our heirs and successors, annex and unite the same to the said province of Carolina.

And forasmuch as we have made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, the true lords and proprietors of all the province or territory aforesaid; Know ye therefore moreover, That we, reposing especial trust and confidence in their fidelity, wisdom, justice, and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, for the good and happy government of the said whole province or territory, full power and authority, to erect, constitute, and make several counties, baronies, and colonies, of and within the said provinces, territories, lands, and hereditaments, in and by the said letters patent, granted, or mentioned to be granted, as aforesaid, with several and distinct jurisdictions, powers, liberties, and privileges: and also, to ordain, make, and enact, and under their seals, to publish any laws and constitutions whatsoever, either appertaining to the public state of the whole province or territory, or of any distinct or particular county, barony, or colony, or of or within the same, or to the private utility of particular persons, according to their best directions, by and with the advice, assent and approbation, of the freemen of the

said province or territory, or of the freemen of the county, barony, or colony, for which such law or constitution shall be made, or the greater part of them, or of their delegates or deputies, whom, for enacting of the said laws, when, and as often as need shall require, we will, that the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs or assigns, shall, from time to time, assemble in such manner and form as to them shall seem best; and the same laws duly to execute, upon all people within the said province or territory, county, barony, or colony, or the limits thereof, for the time being, which shall be constituted, under the power and government of them or any of them, either sailing towards the said province, or territory of Carolina, or returning from thence towards England, or any other of our or foreign dominions, by imposition of penalties, imprisonment, or any other punishment; yea, if it shall be needful, and the quality of the offence require it, by taking away member and life, either by them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs or by them, or their deputies, lieutenants, judges, justices, magistrates, or officers, whatsoever, as well within the said province, as at sea, in such manner and form as unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, shall seem most convenient: and also, to remit, release, pardon, and abolish, whether before judgment or after, all crimes and offences whatsoever against the said laws; and to do all and every thing and things, which, unto the complete establishment of justice, unto courts, sessions, and forms of judicature, and manners of proceeding therein, do belong, although in these presents express mention is not made thereof; and by judges to him or them delegated, to award process, hold pleas, and determine, in all the said courts and places of judicature, all actions, suits, and causes whatsoever, as well criminal as civil, real, mixt, personal, or of any other kind or nature whatsoever: which laws so as aforesaid to be published, our pleasure is, and we do enjoin, require, and command, shall be absolutely firm and available in law; and that all the liege people of us, our heirs and successors, within the said province or territory, do observe and keep the same inviolably in those parts, so far as they concern them, under the pains and penalties therein expressed, or to be expressed: *Provided nev-*

ertheless, That the said laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our realm of England.

And because such assemblies of freeholders cannot be so suddenly called as there may be occasion to require the same, we do therefore, by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, by themselves, or their magistrates, in that behalf lawfully authorised, full power and authority, from time to time, to make and ordain fit and wholesome orders and ordinances within the province or territory aforesaid, or any county, barony, or province, within the same, to be kept and observed, as well for the keeping of the peace, as for the better government of the people there abiding, and to publish the same to all whom it may concern: which ordinances we do, by these presents, straitly charge and command to be inviolably observed within the same province, counties, territories, baronies and provinces, under the penalties therein expressed; so as such ordinances be reasonable, and not repugnant or contrary, but as near as may be, agreeable to the laws and statutes of this our kingdom of England; and so as the same ordinances do not extend to the binding, charging, or taking away the right or interest of any person or persons, in their freehold, goods, or chattels, whatsoever.

And to the end the said province or territory may be the more happily increased, by the multitude of people resorting thither, and may likewise be the more strongly defended from the incursions of savages, and other enemies, pirates and robbers; therefore, we, for us, our heirs and successors, do give and grant, by these presents, full power, license and liberty, unto all the liege people of us, our heirs and successors, in our kingdom of England, and elsewhere, within any other our dominions, islands, colonies, or plantations, (excepting those who shall be especially forbidden) to transport themselves and families into the said province or territory, with convenient shipping and fitting provision; and there to settle themselves, dwell, and inhabit: any law, act, statute, ordinance, or other thing, to the contrary, notwithstanding.

And we will also, and of our especial grace, for us, our heirs and successors, do straitly enjoin, ordain, constitute, and command, that the said province and territory shall be of our allegiance; and that all and singular the subjects and liege people of us, our heirs and successors, transported or to be transported into the said province, and the children of

them, and such as shall descend from them there born, or hereafter to be born, be, and shall be denizens and lieges of us, our heirs and successors, of this our kingdom of England, and be in all things, held, treated and reputed, as the liege, faithful people of us, our heirs and successors, born within this our said kingdom, or any other of our dominions; and may inherit or otherwise purchase and receive, take, hold, buy and possess, any lands, tenements, or hereditaments, within the said places, and them may occupy and enjoy, sell, alien, and bequeath; as likewise, all liberties, franchises, and privileges, of this our kingdom, and of other our dominions aforesaid, may freely and quietly have, possess, and enjoy, as our liege people, born within the same, without the molestation, vexation, trouble, or grievance, of us, our heirs and successors: any act, statute, ordinance, or provision, to the contrary notwithstanding.

And furthermore, that our subjects of this our said kingdom of England, and other our dominions, may be the rather encouraged to undertake this expedition, with ready and cheerful means; Know ye, that we of our especial grace, certain knowledge, and mere motion, do give and grant, by virtue of these presents, as well to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, as unto all others as shall, from time to time, repair unto the said province or territory, with a purpose to inhabit there, or to trade with the natives thereof; full liberty and license, to lade and freight, in every port whatsoever, of us, our heirs and successors, and into the said province of Carolina, by them, their servants and assigns, to transport all and singular their goods, wares and merchandises; as likewise all sorts of grain whatsoever, and any other thing whatsoever, necessary for their food and clothing, not prohibited by the laws and statutes of our kingdom and dominions, to be carried out of the same, without any let or molestation of us, our heirs and successors, or of any other our officers or ministers whatsoever; saving also unto us, our heirs and successors, the customs, and other duties and payments, due for the said wares and merchandises, according to the several rates of the places from whence the same shall be transported.

We will also, and by these presents, for us, our heirs and successors, do give and grant license by this our charter, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns,

and to all the inhabitants and dwellers in the province or territory aforesaid, both present and to come, full power and absolute authority, to import or unlade, by themselves or their servants, factors, or assigns, all merchandises and goods whatsoever that shall arise of the fruits and commodities of the said province or territory, either by land or sea, into any the ports of us, our heirs and successors, in our kingdom of England, Scotland, or Ireland, or otherwise to dispose of the said goods in the said ports; and, if need be, within one year next after the unlading, to lade the said merchandises and goods again into the same or other ships; and to export the same into any other countries, either of our dominions or foreign, being in amity with us, our heirs and successors, so as they pay such customs, subsidies and other duties, for the same, to us, our heirs and successors, as the rest of our subjects of this our kingdom, for the time being, shall be bound to pay; beyond which, we will not, that the inhabitants of the said province or territory shall be any ways charged: *Provided, nevertheless,* and our will and pleasure is, and we have further, for the considerations aforesaid, of our especial grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and free license, power and authority, at any time or times, from and after the feast of St. Michael the Archangel, which shall be in the year of our Lord Christ one thousand six hundred and sixty-seven, as well to import and bring into any of our dominions, from the said province of Carolina, or any part thereof, the several goods hereinafter mentioned; that is to say, silks, wines, raisins, capers, wax, almonds, oil, olives, without paying or answering to us, our heirs and successors, any custom, impost, or other duty, for or in respect thereof, for and during the term and space of seven years, to commence and be accounted from and after the importation of four tons of any of the said goods, in any one bottom, ship or vessel, from the said province or territory, into any of our dominions; as also, to export and carry out of any of our dominions, into the said province or territory, custom free, all sorts of tools which shall be useful or necessary for the planters there, in the accommodation and improvement of the premises: any thing before in these presents contained, or any law, act, statute, prohibition, or other matter or thing, heretofore had, made, enacted, or provided, in any wise notwithstanding.

And furthermore, of our more ample and especial grace, certain knowledge, and mere motion, we do, for us, our heirs and successors, grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and absolute power and authority, to make, erect, and constitute, within the said province or territory, and the isles and islets aforesaid, such and so many sea-ports, harbors, creeks, and other places, for discharge and unlading of goods and merchandises, out of ships, boats and other vessels, and for lading of them, in such and so many places, with such jurisdictions, and privileges and franchises, unto the said ports belonging, as to them shall seem most expedient, and that all and singular the ships, boats and other vessels, which shall come for merchandises and trade into the said province or territory, or shall depart out of the same, shall be laden and unladen at such ports only as shall be erected and constituted by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and not elsewhere: any use, custom, or thing, to the contrary notwithstanding.

And we do further will, appoint, and ordain, and by these presents, for us, our heirs, and successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, may, from time to time, forever, have and enjoy the customs and subsidies, in the ports, harbors, creeks, and other places within the province aforesaid, payable for the goods, wares and merchandises there laded, or to be laded or unladed; the said customs to be reasonably assessed, upon any occasion, by themselves, and by and with the consent of the free people, or the greater part of them, as aforesaid; to whom we give power, by these presents, for us, our heirs and successors, upon just cause, and in due proportion, to assess and impose the same.

And further, of our especial grace, certain knowledge, and mere motion, we have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven,

John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and absolute power, license and authority, that they, the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, from time to time hereafter, forever, at his and their will and pleasure, may assign, alien, grant, demise, or enfeoff, the premises, or any part or parcel thereof, to him or them that shall be willing to purchase the same, and to such person and persons as they shall think fit; to have and to hold to them, the said person or persons, their heirs and assigns, in fee simple, or in fee-tail, or for term of life or lives, or years; to be held of them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, by such rents, services and customs as shall seem fit to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and not of us our heirs and successors: and to the same person and persons, and to all and every of them, we do give and grant, by these presents, for us, our heirs and successors, license, authority and power, that such person or persons may have and take the premises, or any part thereof, of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and the same to hold to themselves, their heirs and assigns, in what estate of inheritance soever, in fee-simple, or fee-tail or otherwise, as to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, shall seem expedient; the statute in the parliament of Edward, son of King Henry, heretofore King of England, our predecessor, commonly called the statute of *quia emptores terrarum*, or any other statute, act, ordinance, use, law, custom, or any other matter, cause or thing, heretofore published or provided to the contrary, in any-wise notwithstanding.

And because many persons, born and inhabiting in the said province, for their deserts and services, may expect and be capable of marks of honor and favor, which, in respect of the great distance, cannot be con-

veniently conferred by us; our will and pleasure therefore is, and we do by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, full power and authority, to give and confer unto and upon such of the inhabitants of the said province or territory, as they shall think do or shall merit the same, such marks of favor and titles of honor, as they shall think fit; so as their titles or honors be not the same as are enjoyed by or conferred upon any of the subjects of this our kingdom of England.

And further also, we do, by these presents, for us, our heirs, and successors, give and grant license to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, full power, liberty and license, to erect, raise and build, within the said province and places aforesaid, or any part or parts thereof, such and so many forts, fortresses, castles, cities, boroughs, towns, villages, and other fortifications whatsoever; and the same, or any of them, to fortify and furnish with ordnance, powder, shot, armour, and all other weapons, ammunition, and habiliments of war, both defensive and offensive, as shall be thought fit and convenient, for the safety and welfare of the said province and places or any part thereof; and the same or any of them, from time to time, as occasion shall require, to dismantle, disfurnish, demolish and pull down: and also to place, constitute and appoint, in or over all or any of the said castles, forts, fortifications, cities, towns, and places aforesaid, governors, deputy-governors, magistrates, sheriffs, and other officers, civil and military, as to them shall seem meet; and to the said cities, boroughs, towns, villages, or any other place or places, within the said province or territory, to grant letters or charters of incorporation, with all liberties, franchises, and privileges, requisite or usual, or to or within this our kingdom of England granted or belonging; and in the same cities, boroughs, towns, and other places, to constitute, erect and appoint such and so many markets, marts, and fairs, as shall, in that behalf, be thought fit and necessary: and further also, to erect and make in the province or territory aforesaid, or any part thereof, so many manors, with such seignories as to them shall seem meet and convenient; and in every of the same manors to have and to hold a court-baron, with all things whatsoever which to a court-baron do belong, and to have and to hold views of frank-pledge and court-leets, for the conser-

vation of the peace and better government of those parts, with such limits, jurisdictions and precincts, as by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their heirs shall be appointed for that purpose, with all things whatsoever which to a court-leet, or view of frank-pledge, do belong; the same courts to be holden by stewards, to be deputed and authorised by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their heirs, by the lords of the manors and leets, for the time being, when the same shall be erected.

And because that in so remote a country, and situate among so many barbarous nations, the invasions of savages and other enemies, pirates and robbers, may probably be feared; therefore, we have given, and for us, our heirs and successors, do give power by these presents, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, by themselves, or their captains, or other officers, to levy, muster and train up all sorts of men, of what condition soever, or wheresoever born, whether in the said province, or elsewhere, for the time being; and to make war, and pursue the enemies aforesaid, as well by sea, as by land; yea, even without the limits of the said province, and, by God's assistance, to vanquish and take them; and being taken, to put them to death, by the law of war, and to save them at their pleasure, and to do all and every other thing, which to the charge and office of a captain-general of an army, hath had the same.

Also, our will and pleasure is, and by this our charter, we do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full power, liberty and authority, in case of rebellion, tumult, or sedition (if any should happen, which God forbid) either upon the land within the province aforesaid, or upon the main sea, in making a voyage thither, or returning from thence, by him and themselves, their captains, deputies, or officers, to be authorised under his or their seals, for that purpose; to whom also, for us, our heirs and successors, we do give and grant, by these presents, full power and authority, to exercise martial law against any mutinous and seditious persons of these

parts; such as shall refuse to submit themselves to their government, or shall refuse to serve in the war, or shall fly to the enemy, or forsake their colors or ensigns, or be loiterers, or stragglers, or otherwise offending against law, custom, or military discipline; as freely and in as ample manner and form, as any captain-general of an army, by virtue of his office, might or hath accustomed to use the same.

And our further pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and to the tenants and inhabitants of the said province or territory, both present and to come, and to every of them, that the said province or territory, and the tenants and inhabitants thereof, shall not, from henceforth, be held or reputed any member or part of any colony whatsoever in America, or elsewhere now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their government in any thing, but be absolutely separated and divided from the same; and our pleasure is, by these presents, that they be separated, and that they be subject immediately to our crown of England, as depending thereof, forever: and that the inhabitants of the said province or territory, nor any of them, shall, at any time hereafter, be compelled, or compellable, or be any ways subject or liable to appear or answer to any matter, suit, cause or plaint whatsoever, out of the province or territory aforesaid, in any other of our islands, colonies, or dominions in America, or elsewhere, other than in our realm of England, and dominions of Wales.

And because it may happen that some of the people and inhabitants of the said province cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms and ceremonies of the church of England, or take and subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, as we hope, be no breach of the unity and conformity established in this nation; our will and pleasure therefore is, and we do, by these presents, for us, our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and free license, liberty and authority, by such ways and means as they shall think fit, to

give and grant unto such person and persons, inhabiting and being within the said province or territory, hereby, or by the said recited letters patent mentioned to be granted as aforesaid, or any part thereof, such indulgences and dispensations, in that behalf, for and during such time and times, and with such limitations and restrictions, as they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, shall, in their discretion, think fit and reasonable: and that no person or persons unto whom such liberty shall be given, shall be any way molested, punished, disquieted, or called in question, for any differences in opinion, or practice in matters of religious concernments, who do not actually disturb the civil peace of the province, county or colony, that they shall make their abode in: but all and every such person and persons may, from time to time, and at all times, freely and quietly have and enjoy his and their judgments and consciences, in matters of religion, throughout all the said province or colony, they behaving themselves peaceably, and not using this liberty to licentiousness, nor to the civil injury, or outward disturbance of others; any law, statute or clause, contained or to be contained, usage or custom of our realm of England, to the contrary hereof, in any wise notwithstanding.

And in case it shall happen, that any doubts or questions shall arise, concerning the true sense and understanding of any word, clause, or sentence contained in this our present charter; we will, ordain and command, that in all times, and in all things, such interpretations be made thereof, and allowed in all and every of our courts whatsoever, as lawfully may be adjudged most advantageous and favorable to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony, Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, although express mention, &c.

WITNESS ourself, at Westminster, the thirtieth day of June, in the seventeenth year of our reign.

PER IPSUM REGEM.

[B. P. R. O. Shaftesbury Papers. Bdle. 48. No. 5.]

ACC°

Off Fees in passing ye Charter and Duplicate of Carolina vizt

For the Kings war^nt^ and Secretary taking noe fee	1.02.06
For Mr Attorny Gen^rll^ and his Clark's fees for drawing and Engroseing the Bill	17.17.06
For the Kings signeing the Bill and the Secretary takeing noe fee	1.02.06
For the fees of the Signett and the privy Seale £8 each	16.00.00
For fees to the M^r^ of the Pattent Office and for Vellum Ruleing painting and Ingraveing the Pattent for the Broad Seale and to the Clarks	25.05.00
For Ld Chancellor pursebearer and his Clarke	1.09.00
For Ld Chancellors servant	2.00.00
For Fees of the Hannap^r^ Office	24.00.00
For Fees of the duplicate of the Pattent office and for the vellum and engraveing it and to the Clarkes	15.00.00
For Fees at the Hannaper Office	2.15.00
	106.11.06

Fees pd in passing the last Pattent for Carolina July 1665

For the Kings war^nt^: and signeing the Bill the Secretary takeing noe fee	4.00.00
For Mr Attorney gen^rll^: and his Clarks fees for drawing and Engroseing the bill &c	11.05.00
For fees pd at the Signett Office and the Privie seale	17.06.08
For the Ld Chancellor pursebearer and Clarkes	1.04.00
For the Master of the Pattent Office for Vellum ruleing &c Ingroseing the Pattent and to the Clarks	16.15.06
For fees at the Hana^pr^ Office at Treitnam	20.07.08
For expenses there in attending the great Seale	0.03.06
	71.02.04

(Endorsed.)

Paid Mr Attorney Generall &c	21:02:6

[B. P. R. O. Colonial Papers. Vol. 19. No. 101.]

COMMISSION FOR GOV^{r} OF BARBADOES.
? ABT. AUGUST 1665.

Charles &ca.

To Our Trusty & Wellbeloved Henry Willoughby, William Willoughby Esq^{rs} & to Sir John Yeamans Bart, Greeting

Whereas wee were graciously pleased by Our Letters Patents & comission under our Great Seale of England beareing date the 12th day of June in the 15th yeare of our Reigne to constitute and appoint our right Trusty and welbeloved Francis Lord Willoughby of Parham our Captaine Generall and Commander in chiefe in & over all & every our Islands Colonyes & Plantations in America commonly called the Barbadoes & the rest of the Carribbee Islands and of all other our Islands Colonyes & Plantations lying between the degrees of Ten & Twenty North latitude & extending from the islands of St. John and Porto rico easterly to three hundred twenty & seaven degrees with severall powers priviledges authorityes & preheminencies therein specified & contained to have hold exercise and enjoy to him the said Lord Willoughby from the feast of the birth of our Lord then last past for and dureing the space of seaven yeares next ensuing to be fully completed if the said Lord Willoughby should soe long live. Now know yee That Wee reposing especiall trust and confidence in the fidelity, courage prudence and good conduct of you the said Henry Willoughby Sr John Yeamans and . . . . have constituted & appoiuted & by these presents doe constitute & appoint you the said Henry Willoughby Sir John Yeamans and . . . . and in the absence of you the said Henry Willoughby then you the said William Willoughby and you the said Sir John Yeamans & . . . . our Governor in chiefe in and over all our Islands Colonyes & Plantac̄ons aforesaid in the absence of him the said Lord Willoughby and noe longer with all and singular the powers authorityes priviledges & preheminencies by our said letters patents and Commission to the said Lord Willoughby granted or intended to be granted in as full and ample manner to all intents & purposes as he the said Lord Willoughby did or ought to have hold exercise & enjoy the same to have hold exercise & enjoy to them the said Henry Willoughby William Willoughby & Sir John Yeamans in manner & forme aforesaid for & dureing Our pleasure. Given &ca.

1666.

[B. P. R. O. Colonial Entry Bk. No. 53. p. 113.]

AN ACT FOR ENCOURAGEMENT OF TRADE.

For as much as Tobacco is the only commodity by which this Province doth at present subsist which by the unlimited freedome of all persons to plant what quantity's and at what tyme they please hath glutted all marketts for divers yeares last past & for that reason is come to that low rate that were the times peaceable & trade open itt would not purchase necessarys for the planters & forasmuch as vast quantity's all ready made must needs ly upon the planters hand & perish upon his acc^{t} if wee still continue to plant tobacco as formerly for remedy whereof Be it enacted by Rt. Hon. the Lord Proprietor by & with the consent of the Upper and Lower House of this present Generall Assembly that from and after the first day of February which shall be in this present yeare 1666 [7] till the first of February which shall be in the yeare of our Lord one thousand six hundred and sixty seaven noe tobacco shall be sowen sett planted or any way tended within this Province of Maryland Provided that the Honble Sir William Berkeley and the Assembly of Virginia and Wm. Drummond Governor of the Southward Plantations & the Assembly there doe make the like Acts in there severall & respective Assemblyes prohibiting the sowing setting planting or tending any tobacco in any place within their severall & respective jurisdiccons for the said yeare vizt from the first of February 1666 till the first of February 1667 And for the better & surer execucon of this Act and obteyning the desired end vizt the encouragement of Merchants to trade with us for our necessary apparell Bee it further enacted by the authority and with the assent aforesaid that the Honble Philip Calvert Esqre Henry Courson Esqr Col. Nathaniel Uty Mr Tho. Notley Mr Robert Sly and Major Thomas Brooke or any three or more of them be sent Comm^{rs} from the Governor sufficiently empowered to treate and conclude with the Honble Sir William Berkeley and the Assembly in Virginia or with Comm^{rs} by the said Sir Wm. Berkeley and the Assembly aforesaid sufficiently from them to be empowered and with the said William Drummond Esqre or Comm^{rs} from him & the Assembly of the Colony under his Goverm^{t} sufficiently as aforesaid to be empowered upon a totall cessation from sowing setting planting or tending Tobacco in their three Colonies as aforesaid and of the meanes to see the said Treaty and Conclusion for a cessacon put into full and certaine execucon.

And be itt further Enacted by the authority and assent aforesaid that whatsoever the said Philip Calvert Henry Coursey Nathaniell Utye Thomas Notley Robert Sly and Thos. Brooke or any three or more of them shall agree upon with the Commissioners to be impowered by the Honble Sir Wm. Berkeley Wm. Drummond Esqre & the respective Assemblyes tending only to the effectual execuc̄on of the cessac̄on from planting tobacco in the yeare aforesaid shall oblige all persons in this Province as fully as if the same had been particulerly distinctly and clearly in express words conteyned in this Act.

Mem̄. The lawes above written past under the Great Seale of this Province the fourteenth day of June 1666.

PHILIP CALVERT
Chanc^{r}
[of Maryland.]

[B. P. R. O. Shaftesbury Papers. Bdle 48. No. 7.]

THE PORT ROYAL DISCOVERY BEING THE RELATION OF A VOYAGE ON THE COAST OF THE PROVINCE OF CAROLINA FORMERLY CALLED FLORIDA IN THE CONTINENT OF THE NORTHERNE AMERICA FROM CHARLES RIVER NEERE CAPE FEARE IN THE COUNTY OF CLARENDON AND THE LAT. OF 34 DEG. TO PORT ROYAL IN THE LAT. OF 32. D. BEGUN 14th JUNE 1666.

PERFORMED BY ROBERT SANFORD ESQ^{r} SECRETARY AND CHIEF REGISTER OF THE RIGHT HON^{ble} THE LORDS PROPRIETORS OF THEIR COUNTY OF CLARENDON IN THE PROVINCE AFORES^{d} &c.

Fungor Officiis.

Anno Domini 1666.

To Right Honble Edward Earle of Clarendon Lord High Chancellor of England George Duke of Albemarle Capt. Generall of all His Maties Forces in the Kingdome of England, Scotland and Ireland and Master

of the Horse Wm. Lord Craven John Lord Berkley Anthony Lord Ashley Chancellor of the Exchequer Sir George Carteret Vice Chamberlaine of his Maties Household Sir Wm. Berkeley Knt and Sir John Colleton Knt & Baronet the true and absolute Lords Proprietors of all the Province of Carolina

Right Honble

It is not presumption but duty which presents this Narrative howsoever rude & imperfect to soe illustrious I had rather say a Constellacon than a Corporacon The matter related was performed under your auspices in your Country and by your Servant. It measures to you my Lords (as his foot did Hercules) the greatnes of yor Sovereigns Giuft and to the world the greatnes of your trust and favour with him It shewes you in prospective how lastinge a renowne you may adde to your already most glorious names how boundles a grandeur to your longest posterity None indeede but God and the Kinge can move your hearts to doe theis great things for yourselves and nation Yet that such a nation be effected may and shall bee the prayers of

Right Honble
with all submission readines & fidelity
Yo^{r} Lord^{pps} servant
ROB. SANDFORD.

THE PORT ROYALL DISCOVERY.

The Right Hono^{ble} the Lords Proprietors of the Province of Carolina in prosecucon of his sacred Maties pious intencons of planting and civillizing there his domin^{s} and people of the Northerne America, wch Neighbour Southward on Virginia (by some called Florida (found out and discovered by Sr Sebastian Cabott in the yeare 1497 at the charges of H: 7: King of England co.) Constituted Sr John Yeamans Baronet their Lt Generall with ample powers for placing a Colony in some of the Rivers to the Southward and Westward of Cape St Romania who departing from the Island Barbadoes in Octob: 1665 in a Fly boate of about 150 Tonns accompanyed by a small Friggatt of his owne and a Sloope purchased by a Comon purse for the service of the Colonyes after they had been seperated by a great storme att Sea (wherein the Friggatt lost all her Masts and himselfe had like to have foundred and were all brought together againe in the beginning of November to an Anchor before the mouth of Charles River neere Cape Feare in the County of Clarendon, part of the same Province newly begunn to be peopled and within the

Lt Gen^{lls} Comission They were after blowne from their Anchors by a suddaine violent Gust, the Fly boate Sr John was in narrowly escapeing the dangerous shoales of the Cape. But this proved but a short difference in their Fate, for returning with a favourable winde to a second viewe of the entrance into Charles River but destituted of all pilates (save their owne eyes (which the flattering Gale that conducted them did alsoe delude by covering the rough visage of their objected dangers with a thicke vaile of smoth waters) they stranded their vessell on the middle ground of the harbours mouth to the Westward of the Channell where the Ebbe presently left her and the wind with its owne multeplyed forces and the auxiliaryes of the tide of flood beate her to peeces. The persons were all saved by the neighborhood of the shore but the greatest part of their provision of victualls clothes &c: and of the Magazine of Armes powder and other Millitary furniture shipped by the Lords Proprietors for the defence of the designed settlement perished in the waters the Lt Gen^{ll} purposed at first imediately to repaire his Friggatt which together with the Sloope gate safely into the River when the Fly boate was driven off) and to send her back to Barbados for recruity whilst himself in person attended the issue of that discovery which I and some other Gentlemen offered to make Southwards in the Sloope, But when the great and growing necessityes of the English Colony in Charles River (heightened by this disaster) begann clamourously to crave the use of the Sloope in a voyage to Virginia for their speedy reliefe, Sr John altered that his first resolution and permitting the sloope to goe to Virginia returned himself to Barbados in his Friggatt. Yett that the designe of the Southern Settlement might not wholy fall, Hee considered with the freighters of the sloope that in case she miscarryed in her Virginia voyage they should hire Captain Edward Stanyons vessell (then in there harbour but bound for Barbados) to performe the Discovery and left a comission with mee for the effecting it upon the returne of the Sloope or Stanion which should first happen.

The sloope in her comeing home from Virginia loaden with victuall being ready by reason of her extreeme rottennes in her timbers to Sinke was driven on shoare by a storme in the night on Cape looke out (the next head land to the north and Eastward of Cape Feare and about 20 Le: distant her men all saved exeept two and with many difficulties brought by their boate through the great Sound into Albemarle River neere the Island Roanoake (within this same Province of Carolina, to the English Plantation there—

Captain Stanyon in returning from Barbados weakly maned and without any second to himselfe driven to and agen on the seas for many weekes by contrary winds and conquered with care, vexation and watching lost his reason, and after many wild extravagances leapt over board in a frenzye leaveing his small Company and vessell (to the much more quiet and constant though but little more knowing and prudent conduct of a child, who yett assisted by a miraculous providence after many wanderings brought her safe to Charles River in Clarenden her desire port and haven.

I had now a vessell to performe my Southerne Expedition but disfurnished of a Master and none here skilled in navigation to be perswaded to the voyage, least therefore a worke so necessary to promote the settlement of this Province should be poorely left without an attempt, myselfe undertooke the office, though no better capacitated for it then a little reading in the Mathematicks had rendered mee with the helpe of a fewe observations made whilst a passenger in some late sea voyages to divest their Tedium.

On the 14th June 1666 I entered on my charge neare six months after the date of my Comission (so long had theire various accidents detained mee) and on the 16th I left Charles River sayling Westward with a faire gale att East alongst that goodly and bold bay which on her two Capes Feare and Romania as on two hornes procures all dangers of flatts and shoales from her owne more gentle bosome. To make her yett more signall I named her Berkly Bay from the Right Honble John Lord Berkly and Sir William Berkly two of her noble Lords Proprietors.

I was accompanyed by Capt George Cary Lt Samuell Hardy Lt Joseph Woory Ens: Henry Brayne Ens: Richard Abrahall and Mr Tho: Giles and severall other Inhabitants of the County of Clarendon to the number of 17 besides myselfe (and the shipps company (which alas were but two men and a boy) with me I tooke a small shalloope of some three tonns belonging to the Lords Proprietors and appointed by the Lieut Generall for that service in which I placed Ens: Henry Brayne of some Experience in Sea matters and two other men) soe reserving eighteen of all sorts in the biggest vessell whose burden alsoe exceeds scarce fiveteene Tonns.

The 19th in the night it being very cloudy and darke and hee att our helme unawares bringing our vessell a Stayes wee lost Company of our Shalloope The 22th about 7 a clock in the morning wee made the land and a faire River to Leward of us (haveing beene driven out to sea by a Southwest winde from the 13 to the 21 when a strong easterly gale brought

us in with the Shoare againe wee bore up to the River and a great way kept our depth of six and five fathum water without any sign of breakes att length it shoaled, and wee could plainly discerne a breach) in the Easterne board. The River when wee first made it bore N. W. by W of us and by this time wee had brought it to N. W b: N: being therefore come into two fath: water and judging ourselves on the breake of the visible Easterne shoalings wee steered more Westerly and presently deepened our Water to three fatham and soe upwards But the wind being at East and the water Ebbing, if wee had goune more Westerly wee could not have luf'd in wherefore I resolved (noe breath appearing all before mee) to runn in directly with the River which nowe bore N. N. W. and in standing in that course one heeve of the lead wee had butt 11 foot water but the next was two fatham which depth and between that and two fathum and a half continued a great while and as wee approched the Westerne point of the Entrance it deepened soe that close aboard the point wee found five and six fathum water and took upwards to nine fathum all the way in it was halfe Ebbe att least when wee entered, and I am very much perswaded that if wee had goune soe farre Westerly as till the River had borne North or N. N. E. wee had found a much deeper Channell for though it blew a very fresh gale att East (which here is alongst shore and Somewhat upon the Westerne Coast, yett wee could not discerne any appearance of Flatts att all to the Westward. Being come about foure or five miles within the River I anchored and a Canoa with two Indians came presently aboard mee and told mee that was the Country of Edistoh and that the cheife towne or seate of the Casique was within on the Western shoare somewhat lower downe towards the sea by which relation I guessed this to be the same River that some English in a former discovery mentioned by the name of Grandy (if it be not rather the French Gironde) and only sawe of att sea but entered not That it might no longer remaine under an uncertaine distinction I called it from that the name of my Lt Harry Haven. It lyes about 32.^{d} 3.^{m} The markes to knowe it by as ye same come from Sea are theise, The North East side is a blufe land rounding from the River and stretching East into the Sea hence a ledge of breakers runn out South before the harbours mouth, on which wee borrowed when wee made such Shoale water in our Entrance, the Southwest side makes a sharpe lowe wet point bare of trees, a pretty way from the entrance West and then shews a hummocke or two of thicke shrubby trees from this point the Coast tends S. W. and then W. S. W. just within the entrance is a shewe of a faire Creeke on the Starboard side and another on the West or larbord side almost oposite from the

uper side of the East side Creeke a Marsh Island runing out West and southerly almost crosse the River, edged to the seaward with a banke of oyster shells discernable a good way to sea as the same come from the Northward and perticularly meett with two lowe trees which in the offing and before the oyster banke is discovered seeme as vessells riding within the River. It flows here East and West neere eight feete perpendicular att spring tides the Woods on each side entring to us seemed to consist most of had oake, the land levell of an habitable height generally with steepe redd banks here and there appearing over the marshes, on which in many places wee could see the feilds of Maiz greenly florishing. The next day being the 23rd June I went with my boate into a Creek on the East shoare opposite to where the vessell rode a very faire and deepe Creeke or River goeing North and Easterly to appearance a long way being goune about a mile up I landed and according to my Instructions in presence of my company took a formall possession by turfe and twigg of that whole Country from the Lat: of 36 deg: North to 29d South and West to the South Seas by the name of the Province of Carolina For our Soveraine Lord Charles the Second King of England &c: his heires and successors and to the use of the Right Honble Edward Earle of Clarendon Geor: Duke of Albemarle, William Lord Craven, John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir William Berkley and Sir John Colleton their heires and Assignes according to the Letters Pattents of our Soveraigne Lord the King. I ranged a little on either side this Creek passed through Severall Feilds of Maiz or Indian Corn, and following the guidance of a small path was brought to some of the Indians Habitations, I found all the land that I passed over whether I went back or alongst the side of the Creeke a rich fatt soyle black mould on the topp and under mixed with a soft redd marle (which and a stiff clay) I after found the most generall foundation of all the land noe swamp, noe sandy land on the outside of the Woods some single scattring Pine trees but of the sort which is called spruce. The rest and the Generallity of the timber being Oake, Maple, Ash, Walnutt Popler Bayes & the trees tall and streight but not very large growing closer together than I have seene in any other part of this Province The reason I guesse of their being so slender) They are for the most part a well seized building timber and some fewe wee sawe of oake and maple that would beare three or fowre foot over a very great burthen upon the ground and much of it of such groweths as wee know to be an excellent feeding for cattle and so thick and high that it made our travelling very tedious. The next day I went some miles up the maine River

and finding a Creeke alsoe on the East side which opened some groves of Pine trees to our veiwe, I put in there purposely to see that sort of land and found this if any the Swamps of this Country for this Creeke earryed us into low broken Marshes and Islands of these Pine trees lying almost levell with the water Wee landed on some of them found them firme and dry (though severall dayes and the very night before wee had store of raine) and without any signes of haveing ever beene overflowed yett they are seemingly soe seated as that great store of raine and frequent must necessarily stand in them The Pines are all spruee the soyle a fatt black mould with a scarce discernable mixture of sand foundee alsoe either on marle or elay as the other lands and bearing a very great burthen and though on the outside Wee sawe onely pine trees yett being entred the Wood wee found alsoe Oake and severall other timber trees of a very large seize Att a venture wee called those kind of lands pine swamps. But I esteeme them a very profitable tillable ground and some of my Company did after this see an Indian planted feild of this sort whieh they told mee bore as tall Maiz as any. We rowed along way up this Creeke and besides theise swamps sawe and ranged through very spacious tracts of rich Oake land and yett wee were not past the Oyster bankes and frequent heapes of shells nor the salt water, att my return downe the River I sent some a shoare to range on the West side who did constantly affirme that the lands there were of an equall excelleney with the best of those wee had otherwhere viewed and that they beleived itt an impossible Injunction to be putt to mareh to the end of the tracts being therefore well satisfyed with the successe of our discovery hitherto I wayed and stood downe the River intending a short stay att the landing plaee neerest to the cheife seate of Edistowe whither the Indian had intreated of mee that they might with the lesse trouble come aboard mee to trade. When wee were here a Captain of the Nation named Shadoo (one of them whieh Hilton had carryed to Barbados) was very earnest with some of our company to goe with him and lye a night at their Towne which hee told us was but a small distance thenee I being equally desirous to knowe the forme manner and populousnesse of the plaee as alsoe what state the Casique held (fame in all theise things preferring this place to all the rest of the Coast and fower of my Company (vizt) Lt Harvey Lt Woory Mr Thomas Giles and Mr Henry Woodward forwardly offring themselves to the service haveing alsoe some Indians aboard mee who constantly resided there night & day I permitted them to goe with this Shadoo they returned to mee the next morning with great comendations of their Entertainment but especially of the

goodnes of the land they marcht through and the delightfull seituation of the Towne, telling mee withall that the Cassique himselfe appeared not (pretending Some indisposition but that his state was supplyed by a Female who received them with gladnes and courtesey placeing my Lt Harvey on the seat by her, their relation gave myselfe a curiosity (they alsoe answering mee that it was not above foure miles off) to goe and see that Towne and takeing with mee Capt George Cary and a file of men I marched thither ward followed by a long traine of Indians of whome some or other alwayes presented himselfe to carry mee on his shoulders over any the branches or Creeks or plashy corners of Marshes in our way. This walk though it tend to the Southward of the West and consequently leads neere alongst the sea coast yett it opened to our view soe excellent a Country both for Wood land and Meadowes as gave singular satisfaction to all my Company Wee crossed one Meadow of not lesse then a thousand Acres all firme good land and as rich a soyll as any clothed with a fine grasse not passing knee deep but very thick sett and fully adorned with yeallow flowers. A pasture not inferior to any I have seene in England the wood land were all of the same sort both for timber and would with the best of those wee had ranged otherwhere and without alteration or abatement from their goodnes all the way of our march Being entered the Towne wee were conducted into a large house of a circular forme (their generall house of State) right against the entrance was a high seate of suffieient breadth for halfe a dozen persons on which sate the Cassique himselfe (vouchsafeing mee that favour) with his wife on his right hand (shee who had received those whome I had sent the evening before) he was an old man of a large stature and bone. Round the house from each side the throne quite to the entrance were lower benches filled with the whole rabble of men women and children, in the center of this house is kept a constant fire mounted on a great heape of Ashes and surrounded with little lowe formes Captain Cary and myselfe were placed in the higher seate on each side the Cassique and presented with skinns accompanied with their ceremonyes of Welcome and friendshipp (by stroaking our shoulders with their palms and sucking in theire breath the whilst) the Towne is seituated on the side or rather in the skirts of a faire forrest in which att severall distances are divers fields of Maiz with many little houses straglingly amongst them for the habitations of the particular families, On the East side and part of the South It hath a large Prospect over Meadows very spatious and delightfull, before the Doore of their Statehouse is a spacious walk rowed with trees on both sides tall & full branched, not much unlike

to Elmes which serves for the Exercise and recreation of the men who by couples runn after a marble bowle troled out alternately by themselves with six foot staves in their hands which they tosse after the bowle in their race and according to the laying of their staves winn or loose the beeds they contend for an Exercise approvable enough in the winter, but somewhat too violent (mee thought) for that season and noone time of the day, from this walk is another lesse aside from the round house for the children to Sport in. After a few howres stay I retorned to my vessell with a greate Troope of Indians att my heeles. The old Cassique himselfe in the number who lay aboard mee that night without the society of any of his people some scores of which lay in boothes of their owne imediate erection on the beach.—While I lay here I had perfectly understood that the River went through to another more Westerly and was passable for our vessell and alsoe that it was not much more than a tides worke through through. This increased my desire of passing this way especially being perswaded that this next River was Jordan (Hilton intimateing as much in his Journall and mapp) wherefore on the 27th of June with the help of the tide of flood (the wind being contrary) I turned upp the River soe haveing oportunity to try the whole channell which I found generally mid and between that and six fathum deepe and bold home to each shoare till wee were come about 10 miles from the harbours mouth where the River was contracted between the marshes yett here (except in one or two places where some flatts narrowed the passage) wee seldom founde lesse then five fathum water. The river being narrowe and variously winding noe gale would att any time serve us long soe that wee were forced for the most part to towe through and that often against the winde which proved very tedious nor could wee passe but by day, which with lying two tides a ground to stopp some Leakes made it Sunday morning the first of July before wee came into the next Westerly River, and by it into the Sea again, Though by the Travers I tooke of our course I found it performable with light boates in one tide of flood and an Ebbe. The passage is generally betweene the River and Wood especially on the Island side on the East or Maine side of the Marsh is much narrower and in many places the river runns close under the banke of wood land which wee had the oportunityes to view and found it to continue its excellency without change or dimuntion, The Indians alsoe that inhabitt the Inner parts of it assuring us that it was all alike, The next Westerly River is a pretty faire river not lesse broad then Harvey Haven But its Channell more crooked narrow'd and Shallowe, the West side of itt (as wee found afterwards is but a necke of land haveing a

Creeke or two which seeme to goe through into the next River It is for the generallity drowned marshes alsoe yett in some places the bank is high crowned here and there with small groves of wood, consisting of dry plantable land surrounded a good space with a firme meadowe or pasture Land and presenting most delectable Seates for Summer recesses. I did a little wonder to see the Sea and no apparent open passage first to the Westward as I expected (still imagining this to be the River Jordan) and when I was come out of it into the sea and sawe none of those markes which Hilton had prefixed to Jordan I was in a great puzzell to knowe where wee were gott. Nothing of the coast makeing like those drafts which Hilton had given of itt, But the winde first dying into a calme and then againe blowing contrary with some Menaces of an evening storme I putt into the River againe and being anchored went a shore on the east point of the Entrance where I found Shadoo (the Captain of Edistow that had beene with Hilton att Barbados) and severall other Indians come from the Towne by land to see for our comeing forth of whome I asked whether this was the River which Hilton was in, they told mee noe butt itt was the next River, This assured mee that Jordan was yett further and that Hilton had noe knowledge of this River and soe could not lay it downe I demanded the name of this River they told mee Edistowe still and pointed all to be Edistowe quite home to the side of Jordan, by which I was instructed that the Indians assigne not their names to the Rivers but to the Countryes and people, amongst theise Indians was one who used to come with the Southern Indians to trade with us att Charles Towne in Clarendon and is known to us by the name of Cassique hee belongeth to the Country of Kiwaha and was very earnest with mee to goe with my vessell thither assuring mee a broad deepe entrance and promising a large welcome and plentifull entertainment and Trade I told him I must first goe to Port Royall and that in my return I would see his Country, but for his better security hee would needs accompany mee to Port Royall and soe bee my Pilate (as hee made mee understaud) for their River and presently hee sent away his Companion to give notice to the chiefe Cassique of the place of my Intention that hee might prepare for my comeing and himselfe went on board with mee. That evening blewe a storme of winde att S. W (the frequent sommer stormes on this coast) soe violent that (though in the River) I durst not trust to my ordinary roade, but kept my short anchor underfoot—

With the riseing of the morne I weighed and stood out to sea haveing an Easie Gale att N. E. and a Tide of Ebbe. My course out Lay S. E.

between two bankes of shoales lesse then halfe a mile distant I choase rather to keep in the sounding of the Easterne then of the W. Flatts, both because the winde was Easterly and soe I could beare up from them when I would and alsoe because haveing both in goeing out and comeing in the day before borrowed on the Westerne shoalings I should by this Easterly Course take knowledge of the whole channell, I was scarce shott a mile without the Eastermost point of the Entrance but the winde wholy left mee and the Ebbe (which the flatts on either side makeing soe faire a lane I expected should sett directly out to Sea) did runn with soe strong a current over the Easterne sands that att the second heave of my lead I was cast from two fathum into six foot water and I drewe five into a rowling sea on the very edge of a breach) I had no way but imediately to lett fall one anchor soe to stay the vessell from precipitating on her ruine whilst I might carry forth another Anchor to warpe her into deepe water The first was presently downe but to gett out the second which was to confirme our safety proved hughesly difficult [Wee lay in soe tumbling a sea that our boate could not bee brought to our bowe without danger of staveing, I had but two men with mee entered to Sea labour and the most spirited and active part of my company were Gentlemen but little used to any labour, one of the seaman must necessarily stay within board to deliver the anchor and Cable that was to be carryed out however the danger made every one give his best helpe and with much adoe the boate is brought to the bowe and the Anchor put into her but all our strength could not stemme that Tide of Ebbe which had hurried us into the perill and must therefore be encountered in the way to bring us out, but a starne wee fall against the whole force of our Oares, A second attempt is made with doubled strength but one breakes his shoales another his Oare and nowe cumbered with our owne vessell number in a boate of scarce equall seize we became rather weaker than at first yett we have noe other way left but this to prevent our weake (heaven not yielding us one breath of aide) therefore to worke wee goe againe and refix our boate, but in theise past fruitles performances soe much time had beene spent as had given the Ebbing tide a further advantage against us to the allmost perfecting our destruction for by this time the vessell by her repeated stroakes as it were to rescue herselfe from those inhospitable sands, gave us warning that her condition was well neere desperate, yett out goes our boate againe and god mercifully improved our strength to the getting forth an anchor though not much farther than our vessells length) yett soe farre as brought us into two fathum water the banke on which

wee had grounded proveing steepe to, by reason which wee the more easily wrought ourselves out of those unkind embraces and to the praise of the Almighty Deliverer were snatched from either an instant descending into the Gorge of the unsated Ocean or the more slow and painfull progresse to our ends in a naked exposure amongst Nations whose piety it is to be barbarous and Gallantry to be inhumane. This ill Entertainment made us brand the place with the name of Port Perrill, it lyes in the Lat: of 32^{d} 25^{m} or therabouts and may be known when you are in the very entrance by its Easterne point which is a very lowe point of Land bare of trees or other growth save a fewe stragling shrubbs, hence the River goe in N N W and N. W. b: N. a small Creeke running in East just within the point The Coast hence to the Eastward tends neerest E. b: N. with Sandy bayes and appeares even and bluffe with trees when you are in the offing the Westerne part of the Entrance lyes within as in a deep bay and beare from the East. point N. W. b: W. or W. N. W. about two miles It is a bare sandy bay with a fewe shrubbs next the River and thinn scattering Pine trees—more Southerly the Coast thence Westward tends S. S. W. and all between this and Jordan shewes with severall hummacks like broken land or Islands when you are off before itt and especially next to Port Perill appeares a wide opening as of a River but it is nothing but but bare sandy bayes or oyster bankes with lowe Marshes behind them Jordan or as wee now call it Yeamans harbour from the name of our Lt Generall opens about two leagues to the Westward of this between two bluffe lands from the Westermost of which the North East end of an Island which from Capt Cary wee named Cary Island) runns out E S E and makes all the Coast between it and Port Perrill lye in the forme of a deepe bay all betweene Yeamans Harbour and Port Perrill are shoales and foule ground which from the West Point of Port Perrill runne out S. E. before the mouth of Yeamans Harbour to almost an even range with the outermost face of Cary Island From the East Point of Port Perrill a Rowe of breakers range themselves parrallell with the Westerne shoales, and were the same which had like to have proved so fatall to us att our coming out thence neere a League within Port Perrill are three distinct groves of trees elevated on pretty high bankes with lowe Marshes in easy interval they lye neere E. and West and when you are soe farre south an Westerly as that the lowe sandy point off the Entrance wholy disappeares Theise shewe themselves as though the mouth of the River were betweene two bluffe lands with a round woody Island in the middle of itt, in steering in if you come from the South and Westward, keepe East in three fathum water till you bring

this seeming Island to touch the Easterne bluffe head and then stand in N. W. by N. and N. W. with the head land rather takeing the soundings of the Easterne flatts then of the W. if the winde will permit and you will have two fathum water little more or lesse all the way in att lowe water as you come neere in you will discerne the Eastern lowe sandy point betweene you and that bluffe land and the sandy bayes—along the Easterne Coast steering in with that sandy point and you will deepen and have five fathum water close aboard it.

After wee were gott cleare of the sands the Ebbe being doune and the gale springing up wee made sayle and stood out to sea but wee were not got farre ere the wind shifted to South East and the flood sett soe strong into the narrowe bay that wee could neither board it out nor gaine to the Westward of the shoales which lye before Yeamans Harbour so to runne in there, wherefore I came to an Anchor in three fathum water till the Ebbe att least might helpe us to worke out against the winde whilest wee rode here wee espyed to our great rejoyceing the Shalloope whome wee lost the 19th of June in the night shee was come forth of Yeamans harbour and stood to and againe before the Southwest Coast betweene it and Cary Island to shewe herselfe not being able to come out to us for the same reason that kept us imbayed, wee alsoe fired a gunn and putt out our Colours to lett her knowe that wee sawe her but could not gett to her for the flatts that interposed.

To goe into Yeamans Harbour Hiltons direction is (and itt seemed true to mee as I lay before itt though I went not in) to goe in on the West side of the shoalings which are opposite to the mouth thereof and which are contiguous with the flatts of Port Perrill giveing a ledge of breakers that lye before the south west Cape of the Entrance a small birth and soe to steere in with the North East land of the Entrance and the least depth he sayes is two fathum att lowe water and soe upwards to six or seaven fathum when you come neere under the said Easterne land But I have understood since from Ens: Brayne that betweene that Lodge of breakers which lye before the South West Cape and the end of Cary Island is a Channell which hee affirmes has about three fathum water where shoalest which alsoe when you are past that lodge of breakers sett over to the North East land of the Harbours mouth The Ebbe nowe beginning to make wee weighed and plyed off to sea with some difficulty boarding it out of the dangerous and foule bay wherein still about three leagues from shoare the deepest water we could finde was scarce three fathum and in our turning wee generally into a fathum and a halfe on each side and this though it was high water, a place to be attempted with Care when

the winde is off as now it is by night wee were got cleere of all danger into six and seaven fathum water I stood off and on all night and in the morning found my selfe off the seaboard side of Cary Island in the middle betweene two openings this Island fills up almost the whole space betweene Yeamans Harbour and Port Royall, to seaward it makes an even smooth land pretty blūffe with trees and tends south west and North East about three leagues in length It shewes two small openings neere Equidistant from either end and from each other from the Westermost opening all Westward the Coast is bold Five fathum water within halfe a league of the shoare more Easterly it is not so deepe.

The morning was calm and soe continued till about two o'clock afternoon when a fresh gale sprang up att North East which in a short time opened to us Woory Bay and the mouth of Port Royall Woory Bay of Lt Woory is made by the South Westerly end of Cary Island and the Southermost Cape or headland without Port Royall (called from the first discoverer Hilton head which is the farthest land in sight as you come from the Northeast along by the end of Cary Island whence it beares neerest S. W. and is bluffe with trees large and tall which as you approach them seeme to looke their topps in the sea, Port Royall mouth opens in the bottome of this Bay neerest to the Westward side thereof the opening is wide little lesse then two leagues The Westermost land of it running out almost South to Hilton head and baying in like a halfe bent bowe makeing the West side of Woory bay from the East side of Port Royall the land tends away east Northerly into Giles streights (the passage on the backe side of Cary Island named soe from Mr Thomas Giles) and formes the bottum of Woory Bay Before this part of the Coast and the end of Cary Island in all the Easterly part of the bay. It shoales and very uneven ground unsafe to meddle with towards the Eastermost angle of it oposite to the entrance into Giles streights lyes a sand hill pretty high with some smaller about it visible a good distance off in comeing from the Westward as you part from Cary Island steere away S. W. with Hilton head and you will soon thwart the Channell of Port Royall which you will finde by the deepening of the water from five to seaven fathum and upward. It lyes neerer towards the West Land and runns in N. N. W. towards the Easterne land of the Entrance (by us called Abrahall point) haveing seldom so little as seaven fathum water all the way in. The shoales in the East part of the bay lye poynting out a good way to sea therefore it wilbe safe for shipps of burthen to keepe out till they have brought Hilton Head to beare about N. N. E. from them. When I had opened Woory Bay sayling S. W. along by the end of Cary

Island I had brought the Sand hills within a steerne of mee I luffed into the bay to try the soundings of that Eastermost part of itt and after a little while came on the shoalings and found them so uneven that it was ordinary to differ two fathum in the heave of a lead Being therefore satisfyed with the dangerousnes of this part of the Bay I bore up againe and stood away with Hilton Head crosse some of the shoales till I came to seaven eight and to about tenn fathum water. Then I steered away with the body of the West land betweene Hilton Head and the Entrance of Port Royall and shoaled my water by degrees to six fathum (which depth continued a good while and att length to five and foure fathum and to three within less then a mile of the woodside Then I brought my tacks aboard and stood North Easterly to gett into the channell againe and after some time deepened my water to five six and seaven fathum I then steered away with the East land of the River within Arahall point still deepning my water till att length the Ebbe being strong and wee makeing fresh way against it with a large winde I could not for a good space strike ground with my lead.—About midnight the third of July I came to an Anchor within the River in seaven fathum water the least depth I could then finde) a little above the Entrance into Brayne sound or the passage which goes through to Yeamans Harbour soe called from Ens: Brayne who twice sailed itt I would advise all who enter Port Royall to goe in upon the soundings on the west side of the Channell till they come a good way within Hilton Head. That side being the evenest ground and freest from all danger They may keepe in six and seaven fathum all the way in and then as they steere more Easterly towards Abrahall point they will finde it much deeper It flowes here E. S. E. The next morning I removed opposite to the principall Indian Towne and then anchored before itt where I had nott ridd long ere the Cassique himselfe came aboard mee with a Canoa full of Indians presenting mee with skinns and bidding mee welcome after their manner I went a shoare with him to see their Towne which stood in sight of our vessell Found as the forme of building in every respect like that of Eddistowe with a plaine place before the great round house for their bowling recreation att the end of which stood a faire woodden crosse of the Spaniards Erecc̄on But I could not observe that the Indians performed any adoration before itt, All round the Towne for a great space are severall fields of maize of a very large growth the soyle nothing inferior to the best wee had seene att Eddistowe apparently more loose and light and the trees in the woods much larger and ranged at a greater distance all the ground under them burthened exceedingly and amongst it a great variety of choice pasturage

I saw here besides the great number of peaches which the more northerly places doe alsoe abound in some store of figge trees very large and faire both fruite and plants and diverse grape vines which though growing without culture in the very throng of weedes and bushes were yett filled with bunches of grapes to admiration. It was no small rejoycing to my Company (who began to feare that after Edistowe they should see nothing equally to content them) to find here not onely a River so much superiour to all others on the Coast Northward but alsoe a Country which their fancyes though preengaged could scarce forbeare to preferre even that which but a little before they had concluded peerlesse. The Towne is scituated on an Island made by a branch which cometh out of Brayne sound and falleth into Port Royall about a mile above where wee landed a Scituation not extraordinary here rather the whole Country is nothing else but severall Islands made by the various intervenings of Rivers and Creeks yett are they firme good lands (excepting what is Marsh) nor of soe small a seize but to continne many of them thousands of acres of rich habitable wood land whose very bankes are washed by River or Creeke which besides the fertility add such a comodiousnesse for portage as fewe countrys are equally happy in.

After a fewe houres stay to viewe the land about the Towne I retorned to my vessell and there found Ens: Brayne with his Shalloope come that morning through Brayne sound from Yeamans harbour att the mouth of which wee had seene him two dayes before Hee told mee that the same morning that I made Harvey haven hee came in with the shoare more to the Eastward and sayled along it till towards evening when hee entered Yeamans harbour supposing it Port Royall and not findeing mee there nor any knowledge of mee and guessing that I might be more Southerly hee came through to Port Royall and acquainted himselfe with Wommony the Cassique sonne (who had alsoe beene att Barbados) whom hee easily prevailed with to beare him Company from place to place into severall Creekes and branches betweene this and Yeamans harbour soe becomeing both his Guide and protection that he had by this meanes a large leasure and oportunity of veiwing all that part of the Country which he did soe loudly applaud for land and rivers That my Companies Comendations of Eddistowe could scarce out noise him,—sufficiently satisfyed with this relation (confirmed by those with him I resolved to loose him no time in a second search of that parte but to goe a tides worke up the maine River and see the body of the Country, and at my retorne to enter a faire Creeke on the West shoare opposite to where the vessell rode, and soe to viewe that side which Ens: Brayne had not medled with being the more desir-

ous alsoe to trye this Creeke because the Indians reported that it lead to a great Southerne River which peirceth farre into the continent and I suppose may be the frenchmens river May or the Spaniards St Mathias, with the Flood therefore and a favourable fresh Gale of winde I sayled up the River In the shalloope neere thirty miles passed where it devides itselfe into two principall branches the Westermost of which I went upp and conceiving myselfe nowe high enough I landed, here I found the Ground presently within to rise into a pretty lull and as I ranged further I crossed severall fine falls and riseings of land and one brooke of sweete water which rann with a mourmoring course betweene two Hills a rarity towards the sea Coast (to which our former searches had beene confind in which wee had not seene any fresh water but in wells which Inconveniency was not to be borne with were it not to be healed by the easie sinking of Wells every where The land here was such as made us all conclude not only a possibility that Eddistowe might bee but a certainty that it was exceeded by the Country of Port Royall— Being fully tired with our March through a ranke growth of vines, bushes and grass which everywhere followed our leggs and proclaimed the richnes of the soyle I retired to my boate and with the Ebbe towards our vessell wee passed diverse faire Creekes on each side the river but entered none, haveing not much time to spare and being satisfyed by the sorts of wood wee sawe and the bankes that the land was all of like goodnes to what we had already veiwed only in one place the land seemeing lower than usnall and with a great mixture of pine (or rather spruce) I went in there and after I was somewhat within the woods found it very plashy and water standing everywhere in holes about ankell deepe or deeper caused as I thinke by the late raine which had fallen somewhat plentifully for there appeared no sign of constant swampis hues (as in the Cipresse swamps more northerly) nor anything that might discourage the manureing it. The morning was pretty faire spent ere I came downe to the vessell again wherefore I made haste and changed my Company and then crossed the River into that Westerne Creeke I spoke of which after three or fowre miles opened into a great sound full of Islands of different sizes Southward It went into the Sea by two or three out letts in our sight westward Wee still opened newe branches some bigger some lesse like those wee had already passed and found to crumble the Continent into Islands; I spent the remainder of this day and the best part of the next in this sound went a shoare on severall Islands found them as good firme land as any wee had seene, exceedingly timbred principally with live Oake and larger cedar and bay trees then any I had seene before on

all the Coast In one of them wee entered a pleasant grove of sprnce Shading a very cleare pasture of fine grasse in which we rowzed a brave herde of deere and thence called it the Discoverers Parke. This Island conteines some hundred of acres and both wood and Marsh proper for planting grazeing and for feeding swine and all the Islands of this Sound that were in our veiwe (some fewe small ones excepted that were onely Marsh) are in all appeareance alike good proportionable to their biggnes with high bankes richly crowned with timber of the largest size soe that of what we sawe in this sound onely might be found habitations for thousands of people with conveniencyes for their stock of all kinds in Such away of accomodation as is not comon, And if the Sound goe through to such a great River as the Indians talk of (which seemes very probable) It will putt an additionall value upon the Settlement that shall be made in it, It abounds besides with oyster bankes and such heaps of shells as which noe time cann consume but this benefitt it hath but in comon with all the Rivers betweene this and Harvy Haven which are stored with the necessary materiall for time for many ages and lying soe conveniently that what ever neere river or creeke you cann thinke fitt to sett a house there you may place your lime kill alsoe and possibly in the banke just by or very neere finde stay for your bricke kill &c: the great and frequent sculls of Fish wee mett with gives us expectation of advantage and imployment that way alsoe In sume wee could see of nothing here to bee wished for but good store of English Inhabitants and that wee all heartily prayed for, I gave my name the Honour of calling this sound by it, and do believe that if this place bee setled by us it may hence receive a longer duration then from any access within the reach of a rational hope.

Within night I retorned to the vessell and the next day being the 7th of July I took in some fresh water purposing that night to leave Port Royall and retorne homeward haveing in the discovery already made, exceeded all our own and therefore confident to answer all other Expectations besides each mans proper occasion hastened him and the consideration of the charge of the vessell hired att five and twenty pounds sterling ℔ month made us earnest not to detaine for a minute of time unnecessarily. We alsoe designed our selves some daies to see the Country of Kywaha one of whose Inhabitants remained still with us for that onely purpose But a little before night the Cassique of Port Royall come aboard and brought with him a proper young fellowe whome hee made mee to understand to be his sisters sonne He demanded of mee when I would retorne thither and shewing mee the moone asked whether within

three times of her compleating her orbe, I told him noe, but in tenn monthes I would, he seemed troubled att the length of time and as it were begged mee to come in five, but I continued my first given number. Att length hee gave mee this young fellowe told mee hee should goe and retorne with mee and that I must clothe him & then hee asked mee when I would sayle I told him presently that night but hee very much importuned mee to stay untill the next day that he might prepare mee some venison and made signes as hee parted that if in the morning hee should not see mee hee should crye and soe hee left mee and the Indian with mee I was somewhat pleased with the adventure haveing before I came on the discovery wished that if I liked the Country I might prevaile with the Indians to lett one of their Nation goe with mee I leaving an Englishman in their roome for the mutuall learning their language And to that purpose one of my Company Mr Henry Woodward a chirurgeon had before I sett out assured mee his resolution to stay with the Indians if I should think convenient wherefore I resolved to stay till the morning to see if the Indians would remaine constant in this intention, according to which I purpose to treat further with them on the morrow therefore I went a shoare to their Towne took Woodward and the Indian with mee and in presence of all the Inhabitants of the place and of the fellows relations asked if they approved of his going along with mee, they all with one voyce consented after some pause I called the Cassique and another old man (his second in authority) and their wives and in sight and heareing of the whole Towne delivered Woodward into their charge, telling them that when I retorned I would require him att their hands they received him with such high Testimonyes of joy and thankfullness as hughely confirmed to me their great desire of our Friendshipp and Society. The Cassique placed Woodward by him upon the Throne and after lead him forth and shewed him a large field of Maiz which hee told him should be his, then hee brough him the sister of the Indian that I had with mee telling him that shee should tend him and dress his victualls and bee carefull of him that soe her brother might bee the better used amongst us— I stayed a while being wonderous civilly treated after their manner and giveing Woodward formall possession of the whole Country to hold as Tennant at Will of the Right Honble Lords Proprietors, I retorned aboard and imediately weighed and fell downe—

An Indian that came with mee from Eddistowe with Intention to goe noe further then Port Royall seeing the kindnes and mutuall obligation betweene us and the people of this place that his nation and tribe might bee within the League voluntarily offered himselfe to stay with mee alsoe

and would not bee denyed, and thinking that soe hee should bee the more acceptable hee caused himselfe to bee shoaren on the Crowne after the manner of ths Port Royall Indians, a fashion which I guesse they have taken from the Spanish Fryers, thereby to ingratiate themselves with that Nation, and indeed all along I observed a kind of emulation amongst the three principall Indians of the Country (vizt:) those of Keywaha Eddistowe and Port Royall concerning us and our Friendshipp each contending to assure it to themselves and jealous of the other though all be allyed and this notwithstanding that they knew wee were in actuall warre with the natives att Clarendon and had killed and sent away many of them For they frequently discoursed with us concerning the warre, told us that the Natives were noughts, the land sandy and barren, their Country sickly, but if wee would come amongst them wee should finde the contrary to all their evills, and never any occasion of dischargeing our gunns but in merryment and for pastime.

The 10th of July in the morning I was fayre before the River that leadeth into the Country of Kywaha but the Indian of the place who undertooke to bee my guide and stayed all this while with mee for that onely purpose would not know it to be the same but confidently and constantly affirmed to mee that it was more easterly and att length when I was almost neere enough to goe in with great assureance and Joy he shewed mee a head land not farre off about which he affirmed the entrance to bee. This confidence of his made mee stand away but by that time I had sayled some two leagues hee sawe his Error when it was too late, for nowe the winde was soe that I could not fetch the River againe and if it had been fayre I was sure not to enter it before night, and I did not like the Complexion of the Heavens soe well as to trye that night upon the Coast.

The River lyes in a Bay between Harvey Haven and Cape St Romana wherein wee found 7 or 8 fathum water very neere the shoare, and not the least appearance of shoales or dangers in any part of itt It shewes with a very faire large opening cleare of any flatts or barre in the Entrance onely before the Easterne Point wee sawe a breach but not farre out I perswade myselfe that it leads into an excellent Country both from the Comendation the Indians give itt and from what I sawe in my ranging on the Easterne part of Harvey Haven the next neighbouring land to this wherefore in hopes that it may prove worthy the Dignity I called it the River Ashley, from the Right Honble Anthony Lord Ashley and to take away every little remaine of forraigne title to this Province I blotted out the name of St Romane putt before the next Easterly Cape

and writt Cape Cartrett in the roome to evidence the more reall right of S[r] George Cartrett as hee is a Lord Proprietor of Carolina—

The 12th of July about noone I entered Charles River and before darke night landed at Charles Towne in the County of Clarendon to the great rejoyceing of our Friends who yett received not our persons more gratefully then they did the Sound Comendations which they heard from every one of us without one dissonant note of that never enough to be valued country which wee had seene and searcht in which may be found ample Seats for many thousands of our Nation in a sociable and comfortable vicinity secured from any possible generall and from all probable particle Massacres with such other accommodations to boote as scarce any place cann parralell in a clime perfectly temperate to make the habitation pleasant and where such a fertile soyle cannot faile to yeild soe great a variety of Productions as will not give an absolute selfe subsistance to the place without all manner of necessary forraigne dependance but alsoe reach a trade to the Kingdome of England as great as that shee has with all her neighboars and render our Soveraigne Lord the King within his owne Dominions and the Lands possessed by his Natural English subjects universall Monarch of the Traffique and Comodity of the whole World

ROBT: SANDFORD

For a further confirmation hereof take this Testimoniall given of this Country by the principall Gentlemen with mee in this Discovery who have attested under their hands as much as I have sayd and yett noe more than what thousands had they been there would alsoe have affirmed—

Clarendon
in
Carolina

Wee whose names are hereunto subscribed having accompanied L[t] Col: Robert Sandford in a voyage of Discovery on the Coast and Rivers of this province to the Southward and Westward of Cape S[t] Romane as farre as the River Port Royall and being all of us persons well experienced in the nature and qualityes of the severall soyles in theise Regions and some of us by meanes of our Travells throughly acquainted with most parts of America Northerne and Southerne Continent and Islands Doe hereby declare and testefie to the whole World that the Country which we did and see from the river Grandy nowe Harvy Haven to Port Royall inclusive doth for richnes and fertillity of soyle for excellency of Rivers, havens, Creeks and Sounds for abundance of good Timber of diverse sorts and many other requisites both to land and sea building and

for sundry rare accommodations both for Navigation and Plantation exceed all places that wee know in possession of our Nation in the West Indies and wee doe assure ourselves that a Colony of English here planted with a moderate support in their Infant tendernes would in a very short time improve themselves to a perfect Comonwealth injoying a selfe sufficiency of all the principall Necessaryes to life and abounding with a great variety of superfluetyes for the Invitation of Forraigne Comerce and trade and which for its scite and production would be of more advantage to our Native Country the Kingdome of England and to the Grandeur of our soveraigne Lord the King his Crowne and dignity then any (we may say all) his other Dominions in America And wee doe further avouch that this Country may bee more securely setled and cheaply defended from any the attempts of its native Inhabitants then any of those other places which our Countrymen have refined from the Drosse of Indian Barbarisme In Witnes whereof wee have hereunto sett our hands this 14th of July 1666.

HENRY BRAYNE. GEORGE CARY
RICHD: ABRAHALL. SAMl HARVEY
THOMAS GILES. JOSEPH WOORY.

[B. P. R. O. Colonial Papers. Vol. 20. No. 104.]

A COMMISSION FROM Ye GOVERr OF MARYLAND TO Mr THOMAS NOTLY & OTHERS TO TREAT ABOUT A CESSATION OF PLANTING TOBACCO.

June 26th 1666.

Charles Calvert Esqre Lieutent: Genll and Chief governr of the Province of Maryland to Philip Calvert Esqre Henry Coursey Esqre, Nathaniell Uty, Thomas Notley, Robt Slye, Marsh Thomas Brooke Esqre Greeting, Whereas at an Assembly of the freemen of this Province, and their Delagates held at St Maryes the 10th day of Aprill one thousand six hundred sixty and six. There passed an Act entitled, An Act for encouragement of Trade, Wherein it is enacted that from & after the first day of February which shall be in this present yeare one thousand six hundred sixty and six till the first of February one thousand six hundred Sixty & seaven, no tobacco shall be sowne, sett planted or any waies tended in this Province of Maryland. Provided that the Honble Sir William Berkeley and the Assembly in Virginia, and Wm Drummond Esqre

governo^{r} of Carolina and the Assembly there doe make the like Act in their Severall & respective Assemblies, prohibiting the sowing, setting, planting, or in any waies tending any Tobacco in the said yeare within their severalle and respective jurisdiçons. And further whereas it is provided by the said Act that you the said Philip Calvert, Henry Coursey, Nathaniel Uty, Thomas Notley, Robert Slye and Thomas Brooke or any three of you be sent Com^{rs} from mee with full power to treate & conclude upon a total cessation from sowing, setting, planting, or in any waies tending any Tobacco in and during the said yeare with the said Sr Wm Berkeley and the said Wm Drummond or Com^{rs} from them and their respective Assemblies, to be impowered to the like one intent and purpose obliging all personnes whatsoever within this Province to observe whatsoever you the said Philip Calvert, Henry Coursey, Nathaniell Uty, Thomas Notley, Robert Slye and Thomas Brooke, or any three or more of you shall agree upon with the said Sr Wm Berkeley and Wm Drummond Esqre or the Com^{rs} by them or their Assemblyes to be impowered as aforesaid tending only to the effectuall Execution of that Act as by the said Act (relaçon being thereinto had) more at large appeareth, Now know yee that as well for the Confidence I have in you the said Philip Calvert, Henry Coursey, Nathaniell Uty Thomas Notley Robert Slye and Thomas Brooke as for that you were nominated Com^{rs} by the Assembly aforesaid, Have constituted, appointed and ordeyned and empowered and doe by theis Presents Constitute, appoint ordeine and impower you the said Philip Calvert, Henry Coursey, Nathaniell Uty, Thomas Notley, Robt Slye and Thomas Brooke or any three or more of you Commission^{rs} to treate wth the said Sr Wm Berkeley and Wm Drummond or Commissioners from them and their Respective Assemblies as aforesaid And upon the said Treaty to agree and Conclude upon a Total Cessaçon from sowing setting planting or any waies tending any Tobacco within any of these Colonies aforesaid, from the first of February one thousand Six hundred sixty six till the first of February, one thousand six hundred sixty seven Wherefore I doe request that the said Commissioners or any three of them be Creditted and believed in all things which they shall doe in and concerning the premises Promising to Ratifie confirme and approve whatsoever shall be done by them according to this my Commission and according to the true intent and meaning of the Act aforesaid given at St Maryes Under the Lesser Seale of the Province the 26th day of June in the yeare of his Lo^{ps} Dominion over this Province Annoque Domini 1666.

Copia Vera teste

THO: LUDWELL SEC^{y}

[B. P. R. O. Colonial Papers. Vol. 20. No. 114.]

ARTICLES OF AGREEMENT CONCERNING THE CESSATION IN VIRGINIA AND MARYLAND AND ALBEMARLE AT JAMES CITY 12th JULY 1666.

Articles agreed, and concluded upon at James City the 12th of July 1666 Betweene the Honble Thomas Ludwell Esqre secretary of Virginia Majr Genll Robt Smith, Majr Genll Richard Bennett, Capt Daniell Parke, Capt Joseph Bridger Capt Peter Jennings and Mr Thomas Ballard Gent: Commissiore from the Right Honoble Sr Wm Berkeley Knt and the Assembly of Virginia and the Honoble Philip Calvert Esqre Henry Coursey Esqre Nathaniell Uty, and Robt Sley Esqre Commissiors from the Honoble Charles Calvert Esqre Governr of Maryland and the Assembly their sufficiently by the Laws and Comic̄ons of the Govrs and Colonies impowered and the Honoble William Drummond Governr of Albemarle County in the Province of Carolina, and Tho: Woodward surveyor Genl of the said Albemarle County Commissiors by the deputie Genl Court, and Committee of yc said County being ye Legislative power of ye said County for ye time being sufficiently impowered to treate, and conclude upon a totall cessation from sowing, setting, planting, or any waies tending any tobacco in any the three Colonies abovesaid, or any parte of them in the yeare 1667. Whereas there passed an Act entituled an Act for ye Encouragement of Trade at an Assembly held at Maryland ye 10th of Aprill 1666 wherein it is enacted that from and after ye first day of February which shall be in the present yeare 1666 untill ye first of February which shall bee in ye yeare of our Lord 1667 Noe Tobacco shall be sowed, sett, planted, or any waies tended in the said Province of Maryland, Provided That the Honoble Sr Wm Berkeley Knt and ye Assembly of Virginia and William Drummond Esqre Govr of Carolina, and ye Assembly there doe make the like act in their severall Assemblies Prohibiting the sowing, setting, planting, or any waies tending any Tobacco in the said yeare within their severall and respective jurisdiec̄ons, and whereas the said Honoble Sr Wm Berkeley Knight and ye said Assembly of Virginia did at an Assembly held at James City ye 5th of June last past in concurance with the said Act of Maryland make a Law with yc same Restric̄ons and Prohibic̄ons of planting, setting, sowing, or any waies tending any Tobacco within this Colony of Virginia with the same provisions and Limitac̄ons as are conteyned in the said act of Maryland.

And whereas the said Wm Drummond and Thomas Woodward Gov and Commissio^r^ for ye said Albemarle County have promised and undertaken to procure an Act in their Councell and Committee prohibiting the sowing, setting, planting or any waies tending any Tobacco in the said County of Albemarle from ye first of February which shall bee in the yeare 1666 till ye first of February which shall bee in the yeare 1667 and ye same Law so made one or more authentique Coppies Thereof cause to bee delivered to the Right Honble ye Govr of Virginia and the Honble Governo^r^ of Maryland at or before the last day of September next ensuing the date hereof.

And whereas ye said Act of Virginia and Maryland and the said Ord^r^ of the Courts and Committee of Albemarle County signed by the deputie Gov Councill Speaker and Committie thereof Have amongst other Matt^rs^ and things nominated, constituted, impowered and appoynted us the subscribed to bee Commissioners to treate, and concluded upon a totall cessation as aforesaid in the places and yeare aforesaid and to treate and conclude upon the most Effectuall meanes of putting ye said Acts into Effectuall Execution obleidgeing themselves and the publique Faith of their respective Collonies to ratefie, and confirme whatsoever shall bee treated, and concluded on by and between ye said Commissio^r^ in manner and to the intents aforesaid in obedience to and for the better execution of the said Act. It is therefore by us the said Com^er^ of the said Respective Collonies concluded and agreed.

First That the said Lawes for a totall cessation from planting, setting, sowing, or any waies tending tobacco in any, or any part of all or either of the said Collonies of Virginia and Maryland bee effectually putt in Execution in Virginia and Maryland, Provided that the said Gov: Councell, and Committee of Albemarle County doe make a Law there prohibiting ye sowing, setting, planting, or any waies tending any Tobacco in the said County from ye first of February which shall be in the yeare 1666 till ye first of February 1667 in like manner as is already donne in Virginia and Maryland and the same act soe as aforesaid to bee made shall transmitt to the Gov of Virginia and Maryland or authentique Coppies thereof at, or before the last day of September next Ensuing the date hereof—

Secondly For the better and more effectual Execution of the said Lawes in the Several Colonies aforesaid. It is concluded and agreed by and between us the said Com^rs^ that the Severall and respective Govr Councellor and Justices of the Peace and all other Publique officers within the said Collonies of Virginia, Maryland, and Albemarle County

in Carolina to take a solemn oath upon the Evangelists to use their Best and utmost Endeavour fully and Effectually to see the said Lawes executed according to the true intent and meaning of the said Lawes and these Articles without any partialitie or evasion and the said oathes to bee taken before such persons as shall bee appoynted by the respective Collonies if they shall thinke fitt to appoynt any such.

Thirdly. For the mutuall and better securitie of each respective Province from any damage or Inconvenience that may arrive or happen to them by the breach of the said Act in their neighbour Collonies, It is agreed and concluded by and between us The Commissioners aforesaid that there shall bee free leave and full power Left to all and Everie of the said Colony to appoynt and impower such persons as they shall think fitt to goe into any part of their Neighbour Collonies there to see wether the said Act bee broken or not, and if they find them broaken then upon complaint made by the said persons soe impowered to the Govr of ye Colony soe offending against the Intent and meaning of the said Act, the said Gov and the other Magistrates of the said Colony offending as aforesaid shall bee oblidged forthwith to employ their respective authoritive and utmost power for the Effectuall punishment of sueh offenders by cutting up their Tobacco either sowen, planted, sett or tended as aforesaid.

That these above menc̄oned articles are our mutuall agreemts according to the power given Us as aforesaid. Wee the said Com^{rs} have hereunto sett our hands and seales the day and yeare and in the place first above mentioned.

WILL. DRUMMOND (seale)	PHILIP CALVERT (seale)
THO: WOODWARD (seale)	HENRY COURSEY (seale)
	NATH: UTY (seale)
	ROBT SLYE (seale)

THO: LUDWELL JUN^{r}
THOMAS LUDWELL JUN^{r} (seale)
ROBERT SMITH (seale)
RICHARD BENNETT (seale)
DANIELL PARKE (seale)
JOSEPH BRIDGERS (seale)
PETER JENNINGS (seale)
THOMAS BALLARD (seale)

Copia vera teste:

THO. LUDWELL JUN^{r}.

[B. P. R. O. Colonial Papers. Vol. XX. No. 125—Extract.]

THOS. LUDWELL, SECRETARY OF VIRGINIA TO SEC. LORD ARLINGTON 18 JULY 1666.

Virginia July 18th 1666.

Right Honble

* * * *

My most honored Lord I have been already very long and yet I have one thing very important to advise your Lordship with, which is that Virginia, Maryland & Carolina have at length granted to the desires of the people a law for a totall cessation from planting tobacco in the yeare 1667 the whole transactions whereof I shall herewith send your Lordship to be by the King confirmed or disaproved if it be ill or that it bee found prejudiciall to his Maties intrest either in poynt of custome or any way elce we humbly desire to have his determinacon soe soon as conveniently we may that the people may know how to employ their labours.

* * * *

THO. LUDWELL.

[B. P. R. O. Shaftesbury Papers. Bdle. 48. No. 6.]

Right Honble

It is now a considerable time since I had the the honer to treate with a Committe of your Lordsps chosen from among yorselves conserning the setling of a Colony at Cape Feare, and although there was no absolute accord and fineall agremt yet severall consessions were then offered by the sd Committee, and by me dispatched to the Barbados to the Adventurers there who did intrust me, who imediately retorned aswer that they would accept them and accordingly gave me power to conclude with your Honers. But in the Interim comes one Mr now Sir Jno Yeamens and by his sonne offers other and contrary Articles to wt the Adventurers did desire and made sueh spetious pretences that your Honers made an absolute agreemt with him and refused to confirme those concessions formerly offered me, though I then foresaw and also tould your Honrs there was no likelihood he should performe his covenant notwithstanding he had entred into a penall bond of 1000£ to accomplish it. Now may it please

your Hon^{rs} it is so fallenout as I foretould that no matereall part of the sd covenant is performed but on the contrary the Adventurers and present planters highly dissatisfied that they should not have those concessions at least which were tendred and upon which they went, confirmed unto them they thought those concessions hard enough, but those other Intolerable, Wherefore what I humbly request is that I may have the Hon^{r} of one speedy Conference more with as many of you Lord^{sps} as may be. that I may put a fineall end to my negotiation and I cannot but hope for a good one since I am resolved to propound nothing but what shall be as well for your Hon^{rs} Interest as that of the Colony The reason why I humbly desire this meeting may be so speedy, is, because many in England New England Barbados yea and those that are actually uppon the place do wait for the Isue of this my last address which if good I do promise with Gods leave, and your Hon^{rs} favour to set fourth a good ship with men and provisions imediately for Cape Feare and and also manefest to your Hon^{re} the likelyhood of severall other ships to follow in the Spring but it is high time that those that go this yeare shall be making ready: if the success of this my last addresse shold be unsuccessfull (which God forbid) all those that have entrusted me though they may have begun a plantation and some are actually uppon the place, have advised me that they will draw of and quite give over the designe. And then it will be seen whether they be the Major pte yea or no: But I feare not but if I have but time and opportunity I shall manefest the Necessity of graunting those things I shall humbly offer in order to the estableshing a Colony that may thrive and prosper under your Hon^{rs} governm^{t} which that it may do under your Hon^{r} and your successor from Generation to Generation is the prayer of

R^{t} Hon^{bls}

Yo^{r} Hon^{rs} faithfull and most obedient servant

HEN: VASSALL sole agent for the Adventurers and planters of Cape Feare

Aug 15th 1666.

[B. P. R. O. Shaftesbury Papers. Bdle 48. No. 81.]

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*Right Honourable,

The Gent chosen for an Assembly for the County of Clarendon in Carolina, upon a view and consideration had of your Honours Charters

*Note.—The contents of this paper show its date to be about the same as that of the preceding one.—Ed.

and Concessions to the said County did supplicate for a Redress cheafely in three things, as to grevious to be required of them.

1. The halfe penny ℔ acre for all Lande
2. The undecemall way of division of there lande
3. The Injuntion on penaltye of forfiture of keeping one man on every hundred Acres. They added these Reasons, viz.

1. To the first that in all their land where or howsoever taken up theire are of these three sortes viz. Pine Swamp and Marsh which make up much the greater part of theire proportions and are yet so wholy unprofitable that to pay a halfe penny per acre for them is more then there vallew wherefore they did signifie there Redresse, that those landes, what proportion soever they beare to the good Oake Land should bee accounted to them as soe many Acres but not as to paye the said Rent by those acres; they were rather willing to paye a greater Rent for what acres of Oake land they should possess soe as they might be excused the paying rent for the Rest and did propose it as an Expedient to paye one penny per acre Annually for all the Oake land in there respective Tracts as the Rent due for the whole: and that your Honours Survay in Bounding out there lande should certify in perticuler the quantity of Oake land according to which the Rent should bee Resarved in the deede of conformation for lands. They enforced this with a complam^{t} that it was sufficiently grevious to them after so chargeable and hazardous an adventure to which they were onely incouridged by the consideration of such Quantityes of lande to bee constrained to accept of land soe wholy unusefull, and which did so much incomode every mans settlement and therefore they hoped your Honour would not add this burthen to their sadd disappointment.

2. To the second, that they arived here the most of them beefore the Conssessions ware framed and had there land assigned to them by certaine meats and bounds on which they have plauted and bilt, that therefore to have those lands now cast into such a way of Lotte as the Conssessions contrive, and the undesimall part reformed for your Honour will certainly alter all those bounds and remove every mans possession which cannot but bee Ruine to Most; nor doe they see how this waye of allotments can be practised in the Future, at least soe as to bee any benifit to your Honours for the good land lying soe widely dispersed what is already taken up though but halfe the proportion due to each person, runns to an extent of at least three score miles soe that what is to take up will lye soe Remote from all conveinienceyes that it cannot advantage your Honour to have an eleventh part at that distance, and indeed that kinde of divition appointed by the concessions is not at all practicable heare, because the

good lands do noe where lye so contiguous nor soe in any place as equally to accommodate the whole generall lot. And a very great mischife it would bee to any whose lott shall fall where there is not a foote, they did expresse a great desire that somewhat might be offered to your Honour in vallue of this undecimall part but finding no thing heare really worth your acceptance they durst rather bee silent then propose any ignoble compensation.

3. To the third, having already declared soe fully the nature of the lands in this country they thought it unnecessary to multiply reasons against the keeping a man on every hundred acres it being evident from what is s^{d} that in very many places a hundred acres would not maintaine one man.

This Addresse and Representation being made to the Lt Gen^{ll} and his Councell and there concurance in all humble maner desired in a petition to your Honour for a release from these reall pressures. They certainly knowing all this to be truely soe as it is remonstrated, ware the redier to joine in prayers soe Rational and soe nesessasary, and therefore with one harte and voyce we the Governer Councell and assembly or representation for the county of Clarendon in Carolina beseach your Honour's to to take the premisses into your serious consideration and to releive us according to the true merrite of our cause.

May it please your Lordshipp.

This humble address as it is above written was perpated with the allowance and consent of the Honorable Sir John Yeamans Baronet Lt Gen^{ll} under your Lordshipp of this Province at such time as he was heare with us and presided in our Councells; who at first gave us all the appearance of his purpose to joyne with us in the subscription thereof. But when it was engrossed and presented to him to bee signed he made this answer that his further thoughts had discoursed unto him an absurditie in owneing under his hands so perticuler a knowledge of the soile in this County into which he was but newly come, and that therefore he did conceive it might give a better reputation to our cause if he did exempt himself from the Gen^{ll} Addresse, he added that his intimating to your Lordshipp in his private letter the full satisfaction he had received with in himself of the greviousnes and unpracticablenes of these three injunctions espetially would stronger inforce our arguments to yonr Lordships and more advantage the Acceptance of our prayers then his appearing jointly with us, and soe he left us with sufficient Incoridg^{mt} to proceed with our petition by ourselves and with our hopes enlarged that though hee lobored not openly with us hee would yet labor more effectually for

us Thus therefore and upon these grounds wee doe presume Right Honourable to press unto your presents and being now heare doe in all humility offer these further to your noble consideration.

1. That when all the fame of this province was left in that black cloud of Reproaches which a party of the first new england Adventurers had wraped the whole country in and noe mans eare or mouth or hand was open to heare or speake or act in her defence, wee then from no other incitem^{t} but the glory of that venture which is made for Publick advantage, did by a vollentary and full contrybution dispell those mists of scandall and revive a lustre bright enough to direct and provoke to a seizure by meancs of which expence your Lordshipps have the possession of a parte which may be improved to aseminary for the whole provence if the discoridgement from without the place prove not more fatall then those within it; neither can wee think this seirvis really performed for your Lordshipps inferior to that which is but promised nor is it a frindly argument that because wee have settled in aworse part of the country wee must have the worse conditions, since therefore those whome wee credited as your Lordshipps plenipotentiaryes in Barbadoe were pleased soe well to consider of the success of those our contrybution as in your Lordships name to promise us five hundred acres of land and soe proportionally for every 1000 of sugar wee had expended on that second discovery without which (wee can make it plainly appear) though all else was ready the designe had yet fallen, since also tis most certaine that if Port Royall bee ever presented with powerfull invitations to a culture it will bee from the consequence of these our supernumerary disburses wee hope it will not be offensive to your Lordshipp that we deprecate a punishment upon our misfortunes and beg to have that conformed to us notwithstanding our ill suckses, which was granted as the prize of our vigerous crowding in to your Lordships servis, through all the obstickles that Mallice or conterary pollicies could object.

2. That those nombers of the Carolina adventurers who made the seperation and intercepted that treaty which wee had comenced with your Lordships, presenting different proposalls and accepting other conditions ware such as had the whole bent of there affections towards port Royall and never purposed further to second there diverted adventures on this county of Clarendon which then might conduce to the establishing them an interest in the county of Craven who beeing now by the said callamity which fell on Sir Jno. Yeamens disappointed in there expectations there nessesarily discouridged proceeding heare: and evidence the same not onely by a silent discontinuance, but alsoc by a clamerous drawing off, those againe on the other side who ware determinate for this county

stop'd in there carreare by these unexpected concessions have remayned at a staye ever since, with too much appearance of never reinclyning there motion this way. Thus is there an approaching loss to all concerned to the King and nation, loss of dominion and trade to your Lordshipps loss of the name and Honor of enlarging both these, to the adventurers loss of money and hopes increased in us that are hereby the loss of our whole substance; and all this unavoidably unles you Honours reeintegrating that treaty which your Honours once desended to with us and in us with the adventurers of ould and new England and by granting us these priviledges which you were once not very far from granting us (which very probably you will) the Actineuity of such who can trample on all other difficultyes when supported by that which they opinion Fredome, the Ruine which with open mouth attends us while being desarted by all, wee are utterly disabled either to proceed or to retire enforceth us to this ernestnes, yet ware wee the onely partyes in this canse wee should approch with much lesse bouldnes, but now wee sue in your Lordshipps behalves also y^{t} your Possesion of this Province may not bee utterly lost, and with it all the hopes of our subjecting it to an English Goverm^{t} wee are

Yo^{r} Lordshipp's most humble servants

JOHN NEVINSON. JOHN VASSALL
GEO CARY
RICHARD WHITTNEY. R. SANDFORD
ROBERT GIBBS.
JOHN KNIGHT. HUMP. DAVENPORT
THO CLIFTON.
HENRY BRAYNE JOHN BRENT
WILL GRIG
THOMAS GIBBES.
SAM HAMES

[B. P. R. O. Colonial Papers. Vol. XX. No. 144.]

LT. GOV^{r} & COUNCIL OF BARBADOS TO THE KING. 29th SEPT. 1666.

May it please Your Majesty

His Excellency the Lord Willoughby haveing appointed us of his Councell for the Govern^{t} of this Island the many dangers at present which threaten the safety thereof and of your Maj. whole dominion in these parts have rendred it our duty to informe your Maj. that soe by a

tymely reliefe yor Maj. honour and authority might be restored and preserved and wee secured from the violence of our Enemies.

Wherefore wee most humbly informe yor Maj^{ty} that the restraint of trade here for some yeares past hath withheld the prosperity of these Yo^{r} Maj. Collonies and will if not prevented in short tyme destroy them especially in that of Negroes of whom very few have been sold here and those the worst such as the Spaniards would not look on and yet they at farr greater rates than the Spaniard gives for the best or the Merchant before he was restrained afforded them as by a solemn declaration here published wee were promised which only men compelled by necessity haveing dealt for have therein found their certaine ruine and many on that score forced daily to forsake these Countries. The richer sort who could better withstand the necessity have bought few or none although thereby they have made less sugar by the one halfe then with a full supply they might have done which hath beene a greater losse in the revenue of the customes to your Maj^{ty} then the Spanish trade will any way recompense but least wee should presume too farr wee shall only say that thes Setlements have beene made and upheld by Negroes and without constant supplies of them cannot subsist which that wee may the better have and all other necessities for our plantations wee most humbly implore Yo^{r} Maj. to grant your loyall subjects that have adventured our lives & fortunes thus farr to the increase of Yo^{r} Maj. Dominions and Revenewes the same freedome of trade att all times as those our Brethren in England with less difficulty enjoy and as in duty bound wee shall ever pray for yor long and happy raigne over us.

Yo^{r} Majesties Loyall and
most obedient Subjects

WILL. WILLOUGHBY

JOHN YEAMANS.

HENRY HAWLEY.

PHILIP BELL.

WILLIAM KIRTON

THOMAS WARDALL

SAM. BARWICK

WILL. SHARPE

ROBERT HOOPER

CHRISTOPHER CODRINGTON.

Barbados. September 29th 1666.

[Indorsed.]

Lieut. Generall and Councill of Barbados Rec. 30. Novr Answ^{d} 4 Dec.

With a temporary Commission for the execution of the Lord Willoughby's powers.

[B. P. R. O. Colonial Papers. Vol. XX. No. 145.]

THE NAMES OF THE COUNCILL OF BARBADOES.

Lt. Coll. William Willoughby Deputy Govr
Coll. Henry Hawley, formerly Govern^{r} a judicious man
Thomas Wardall Esqre a grave prudent man
Coll. Robt. Hooper well beloved & a stout man
Coll. Sr. John Yeamens of good conduct & stout.
Lt. Coll. Christopher Codrington } both well beloved & free from fac-
Lt. Coll. Phillip Bell } tion ingenious young gentlemen.
William Kirton Esqre a Judge.
Sam. Barwick formerly in the King's Army & stout
Coll. Wm. Sharpe, and ingenious man & good interest.

GENTLEMEN OF THE COUNTRY

Coll. Lewis Morris, a man of good interest & conduct & an honest man tho' a quaker.

Lt. Coll. Higgenbottome, Lt. Coll. Richd Bayly & Maj^{r} Wm. Bates, stout men & fitt for comand.

Some turbulent spirits questioning whether the Ld. Willoughby have power to make a deputation (submitting to yor judgment) whether it bee not requisite his Maj. pleasure be knowne therein.

Consider whether the indulging of trade during this present Warr will not bee of greate importance to support the peoples speritts.

There is aboard two Merchant shipps bound for Barbados on the King's account 2000 Muskets 1000 Pikes 200 Barrels of powder—To enforme them of the additionall supply to encourage them. Who in Barbados from Coll. Willoughby.

[Reprinted from Archives of Maryland. Vol. 3. p. 558. Liber H. H.]

Att a Councell held at St Marys the 17th day of Octob^{r} 1666

P^{r}sent

Gouerno^{r} Chancello^{r} Jerome White Edward Loyd Henry Coursey Coll: Williams Euans and Thomas Truman. Esq^{rs}

Was then taken into Consideracōn the Confirmacōn of a Cessation made in the Prouince of Carolina by an Act of Assembly ther made and seut heither und^{r} the handes of William Drumand Esqr Gouerno^{r} thereof and George Catchmeyd Gen^{t} speaker of the s^{d} Assembly.

Put to the Vote wether the said Act ought to be put in Execucōn or not, Major Vote Conuenient

Whereupon Ordred by the Gouerno^{r} & Councell that a Cessacōn be made throughout the whole Prouince according that Act made in this Prouince at an Assembly held the 10th day of Aprill last and all Clauses therein expressed to be duely Obserued and kept.

[B. P. R. O. Colonial Papers. Vol. 20. No. 195.]

THE ELEVENTH OF DECEMBER 1666.

Further Articles of agreem^{t} had made concluded and agreed on at St Maries in Maryland between us ye Subscribed Com^{rs} for Virg^{a} and Maryland sufficiently impowred to Treat and conclude of a totall cessation of Planting setting or soweing any Tobacco in each Colony as also in Albemarle County in Carolina as followeth.

Viz^{t} Whereas there was an agreem^{t} made and concluded on between the Com^{rs} of Virg^{a} Maryland & Albemarle County in Carolina bearing date the twelfth of July one thousand six hundred sixty six at James Citty grounded upon the severall and respective Acts of Assembly for a cessation by wch it was assented to aud concluded on that there should be a Totall cessation from Sowing, setting, Planting or any waies tending any Tobacco in any or any part of the three colonies afores^{d} from the first of February one thousand six hundred sixty six untill the first of February one thousand six hundred sixty seaven. Provided Wm Drum-mond Esqr Govr of Albemarle County in Carolina and the Assembly of that Province did make the like Act in y^{t} Colony. And the same should transmitt to ye Gov^{rs} of Virginia and Maryland by the last of September then next to ensue as by the said Articles, (Relacōn being thereto had) more fully may appear. And whereas the sd. Wm Drummond Esqr and the Assembly of Albemarle County aforesaid did make an Act prohibiting the sowing setting, planting or any waies tending any Tobacco from the said first of February one thousand six hundred sixty six, to ye first of February, one thousand six hundred sixty seven. But the said Act so made could not Transmitt to the s^{d} Gov^{rs} of Virginia and Maryland

before the fifth of October last past by reason of an Invacon of their neighbouring Indians by which laps of a few daies occationed by the s[d] Invacon, Wee doe not judge either the severall and respective Acts of Assembly or y[e] said Acts to be fallen or voyd the s[d] Articles of Treaty of y[e] 12th July aforesaid grounded upon. Wherefore to y[e] intent the good of the severall Collonies expected from a Cessacon, may not be stifled in its birth, wee y[e] Com[rs] of Virg[a] and Maryland doe declare that no advantage is or ought to be taken up on y[e] lapse of those few daies menconed being noe essential part of the said Agreement and doe hereby accordingly ratifie and confirme y[e] same according to the true intent and meaning thereof, fully relying upon the said late Act of Assembly of Albemarle County in Carolina for the performance & the Execucon of y[e] s[d] cessacon in time and manner as is expressed in y[e] same. And wee do further hereby agree & conclude y[t] there shall issue ont a Proclamacon from each of the respective Gov[rs] requireing and commanding an exact Obedience to y[e] s[d] severall acts of Assembly made in y[e] s[d] severall colonies of Virg[a] Maryland and Albemarle County and likewise the said Articles of Agreem[t] under y[e] penalties of Fine Imprisonm[t], & cutt up y[e] Tobacco planted, sett, sowne &c: To be inflicted upon all or any person or persons offending against ye sd Act or any of them in their respective Govern[mts] and that authentique coppies of y[e] sd Proclamacons to be published as aforesaid be (so soone as possible) transmitted from each respective Gov[r] to both the other Gov[rs] to the intent that all interests may be satisfied in the severall proceedings in the performance of the said Articles. In witness whereof we have hereunto sett our hands and seales, the day and year first above written

PHILIP CALVERT	(seal)	THO: LUDWELL	(seal)
HENRY COURSEY	(seal)	ROBT: SMITH	(seal)
ROBT: SLYE	(seal)	Ri: BENNET	(seal)
THO: NOTLEY.	(seal)	NICHO: SPENCER	(seal)
		THO: BALLARD	(seal)
		JOSEPH: BRIDG[r]	(seal)
		DANIELL PARKE	(seal)

[B. P. R. O. Shaftesbury Papers. Bdle. 48. No. 83.]

Notes is hereby given to all ingenious and industrious persons that there is a New Plantation begun 2 yeers since on the main land between

Virginia and the Cape of Florida at a place called Cape Feare in the Province of Carolina in the latitude of about 34 degrees. It is a climate most desirable for its temperature and fertility as those that are there have written and those lately come from thence doe testifie they have 2 crops of Indian wheate in one yeare and all graine plants and seeds that they commit to the earth do prosper exceedingly they have naturally growing abundance of most stately Timbers of most sorts in England but very many sorts not known to us as Cedar Pines Sassafras and other sweet woods Vines allso and Mulbury and Olives trees from whence come the rich commodys of wine Sylke and Oyle they have aboundance of deere Turkeys and other fowle in the woods and great store of Sturgeon Salmon and many sorts of other good eating fish both flat and round They have since planted and produced very Excellent tobacco, Indeco, Cotton and potatoes and other roots and fruits proper to Barbados Virginia and Barmoodos. The neernes to which last places makes the planting there of more easy. The Priviledges where with it is endowed makes it yet more desirable the principal wherof follows.

1st There is full and free liberty of Contience granted that those that are truly contientious may have liberty to worship God according to their owne way provided they behave themselves orderly towards the Civil Government.

2nd They shall choos from among themselves 13 persons or some other odd number whereof the Lords will appoynt for Governors and halfe of the other for the Council which Governor is to rule but 3 yeares and then learne to Obey.

3 They shall choose from among themselves an assembly (in the nature of a parliament who shall have the sole power of makeing all lawes and laying taxes when neede requires for the use of the Colony and the governors and Councill se the laws put in Execution.

4 They are to have freedom from Custom in England for all wine fruite, Currance Almonds, Oyle, Olives, and silk they can produce, for seaven yeares to comence and when 4 tuns of those comoditys are at once imported in one ship.

5 Every man and woman that transport themselves before the 24 June next being 1667 shall have for himselfe his wife and each of his children and every man servant he shall bring armed with a firelock or machlock musket statute bore with 10^{lb} powder 20^{lb} of bullett, 100 akers of land for each of them to him and his heirs for ever paying for every 1000 akers 10^{s} per Ann to the Lords for an acknowledgement and for every woman servant and slave 50 akers

6 Every servant at the Expiration of their service (which is 4 yeares) are to have the same quantity of land for him or herselfe, that their m^{rs} had for bringing over and on the same condition allso the m^{r} is bound to give them two suits of apparell and a set of tools to work with when he is out of his time.

Many desire to transport themselves thether or servants desire to be entertained they may take an opportunity of the Virginia fleet and from thence finde easy passage thether it being but 3 or 4 days sayle; and if they desire farther advise or information let them repaire to the ———

[Reprinted from a copy in the "Swain Collection."]

A BRIEF DESCRIPTION OF THE PROVINCE OF CAROLINA, ON THE COASTS OF FLORIDA; AND MORE PARTICULARLY OF A NEW PLANTATION BEGUN BY THE ENGLISH AT CAPE FEARE, ON THAT RIVER, NOW BY THEM CALLED CHARLES RIVER, THE 29th OF MAY, 1664. WHEREIN IS SET FORTH THE HEALTHFULNESS OF THE AIR, THE FERTILITY OF THE EARTH AND WATERS, AND THE GREAT PLEASURE AND PROFIT WILL ACCRUE TO THOSE THAT SHALL GO THITHER TO ENJOY THE SAME. ALSO DIRECTIONS AND ADVICE TO SUCH AS SHALL GO THITHER, WHETHER ON THEIR OWN ACCOUNTS OR TO SERVE UNDER ANOTHER. TOGETHER WITH A MOST ACURATE MAP OF THE WHOLE PROVINCE, LONDON: PRINTED FOR ROBERT HORNE, IN THE FIRST COURT OF GRESHAM COLLEGE, NEAR BISHOPSGATE-STREET. 1666.

A. Brief Description of the Province of Carolina, &c. Carolina is a fair and spacious province on the continent of America, so called in honor of his sacred majesty that now is, Charles the Second, whom God preserve; and his majesty has been pleased to grant the same to certain honorable persons, who in order to the speedy planting of the same, have granted divers privileges and advantages to such as shall transport themselves and servants in convenient time. * * * * * *

There is seated in this province two colonies already: one on the river Roanoak (now called Albemarle River), and borders on Virginia; the

other at Cape Feare, two degrees more southerly; of which follows a more particular description.

This province of Carolina is situate on the main continent of America, between the degrees of 30 and 36, and hath on the north, the south part of Virginia; on the south is bounded by the 30th degree of latitude, not yet fully discovered; on the east is Mare Atlanticum, part of the great ocean; and on the west the wealthy South sea is its confines.

The particular description of Cape Feare. In the midst of this fertile province, in the latitude of 34 degrees, there is a colony of English seated, who landed there 29th. May, Anno 1664, and are in all about eight hundred persons, who have overcome all the difficulties that attend the first attempts, and have cleared the way for those that come after, who will find good houses to be in whilst their own are in building; good forts to secure them from their enemies; and many things brought from other parts there, increasing to their no small advantage.

* * * * * * *

The chief of the privileges are as follows:

First there is full and free liberty of conscience granted to all, so that no man is to be molested or called in question for matters of religious concern; but every one to be obedient to the civil government, worshipping God after their own way.

Secondly. There is freedom from custom for all wine, silk, raisins, currants, oil, olives, and almonds, that shall be raised in the province for seven years, after four tons of any of those commodities shall be imported in one bottom.

Thirdly. Every free man and free woman that transport themselves and servants by the 25th of March next, being 1667, shall have for himself, wife, children, and men-servants, for each, one hundred acres of land for him and his heirs forever, and for every woman-servant and slave fifty acres, paying at most ½ d. per acre per annum, in lieu of all demands, to the lords proprietors: Provided always that every man be armed with a good musket, full bore, ten pounds of powder, and twenty pounds of bullet, and six months' provision for all, to serve them whilst they raise provision in that country.

Fourthly. Every man servant at the expiration of their time is to have of the country a hundred acres of land to him and his heirs forever, paying only ½ d. per acre per annum, and the women fifty acres of land on the same conditions; their masters also are to allow them two suits of apparel, and tools such as he is best able to work with, according to the custom of the country.

Fifthly. They are to have a governor and council appointed from among themselves, to see the laws of Assembly put in due execution; but the governor is to rule but three years, and then learn to obey; also he hath no power to lay any tax, or make or abrogate any law, without the consent of the Colony in their Assembly.

Sixthly. They are to choose annually from among themselves a certain number of men according to their divisions, which constitute the General Assembly, with the governor and his council, and have the sole power of making laws, and laying taxes for the common good when need shall require. These are the chief and fundamental privileges, but the right honorable lords proprietors have promised (and it is their interest so to do) to be ready to grant what other privileges may be found advantageous to the good of the colony.

1667.

[B. P. R. O. Colonial Entry Bk. Vol. XI. p. 91.]

Barbados.

AT A MEETING OF THE HON^{ble} LT. GEN. HENRY WILLOUGHBYE & THE COUNCILL THE 15th DAY OF FEBRUARY 1666–7.

Present.

William Willoughby	Esq^{res}	Sir John Yeamans	Esq^{res}
Henry Hawley		Sam. Barwick	
William Kirton		Robt Hooper	
Thos. Wardell		Christ. Codrington	

This day a letter & Commiss^{n} from his Maj^{ty} constituting and appointing the govern^{t} of this and the rest of the Caribbee Islands to bee in Henry Willoughby Esqre William Willoughby Esqre Col. Henry Hawley & Col. Samuel Barwick was read upon which the Conncillors then present that were not named in the said Commission declared they did beleeve themselves discharged as Councellors by vertue of the said Commiss^{n} whereupon they withdrew

Here follows the above Commission dated 5th Dec. 1666.

Ordered that this Declaration following bee forthwith published by beat of drum in St. Michael's Towne & all the Parish Churches next Sabbath Day Vizt:

Barbados

Whereas his Majᵗʸ by his Commission bearing date the fifth of December 1666 hath impowered us to bee Chiefe Govʳˢ of this and the rest of the Caribbee Islands in the absence of his Excellency Francis Lord Willoughby of Parham or untill his Maj. pleasure be further knowne.

In obedience to which wee have received the said Government and doe hereby publish and make Knowne that all officers both Civill & Military in this Island doe continue to execute their said offices till further order. Given under our hands this fifteenth of February 1666 (–7.)

(signed) HENRY WILLOUGHBYE
WILLIAM WILLOUGHBYE
HENRY HAWLEY
SAMUELL BARWICKE

After which they fell on debate of choosing a Councill which being concluded they chose Sir John Yeamans William Kirton Esqʳᵉ Thomas Wardell Esq Phillip Bell Esqʳᵉ Robt. Hooper Esqʳᵉ Christopher Codrington Esqʳᵉ to whom was administered the oath following Vizᵗ:

Barbados.

I doe sweare that I will give true and faithfull Councill to Henry Willoughby William Willoughby Henry Hawley and Samuell Barwick Esqʳᵉˢ as chiefe Govʳˢ of this & the rest of the Caribbee Islands appointed by his Maj. Commission beareing date the fifth of December 1666 in which I will perform all things that belong to a faithfull Councillor according to the best of my skill and judgment during the absence of his Excellency Francis Lord Willoughby of Parham or untill his Maj. pleasure bee further knowne

Soe help me God

and then adjourned till Monday next.

[B. P. R. O. Colonial Papers. Vol. XXI. No. 71.]

GOVʳ LORD WILLOUGHBY TO JOSEPH WILLIAMSON, SEC. TO LORD ARLINGTON 9 JULY 1667.

Sʳ Barbados. July 9 '67.

You that soe well understand wᵗ belongs to a hurry of business if an oversight was committed ought to pass it by when yᵗ you know might

bee sayd occasioned it However receive this as a reconcileing challenge for soe I intend it And though the government of Barbados will not defray the duties due to yor office some other way must I shall not complaine till I come to state my case in earnest and then I dare appeare to my Lord Ashley. You will by the letters enclosed to Lord Arlington understand the posture of our affaires here to wch I referr you and whether warr or peace shall endcavour to make the best use I can of my time but God send us peace or two good regim^{ts} att least I thincke I have conquered this island with good words but that will not doe with Monsr

Never man was soe out in his judgment of men in Barbados as your friend Sr John Colleton who you kuow named one Sr John Yeamans to exceed all men for interest in this island & I buylding upon his information named him for a judge & the Assembly brought in matters of soe high a nature against him that he durst not stand the test though I offered to stand by him as far as in justice I ought By his Maties commands hither I am sent & in poynt of honor whilst the warrs last here I am fixt the place is pleasant the company good ye power greate & I hope in tyme to give a good account of all Wee had an ill brush at St Kitts, Col. Stapleton Lt Col. Cutter, Captaine Talbutt hurt and taken Brave Bellamont killed Yo^{r} freind Scott escaped who I presume will give you a trew account of the business In requital Sir John Harman hath burnt 19 or 20 greate French ships in Martinico roade Farewell

Yo^{r} affectionate friend
to serve you
WILL. WILLOUGHBY

[B. P. R. O. Shaftesbury Papers. Bdle 48. No. 8.]

JOHN VASSALL TO SIR JOHN COLLETON.

Nancymond in Virginny 6th October 1667.

Honnorable Sir,

I presume you have heard of the unhapy Loss of our Plantation on Charles River the reason of which I could never soe well have understood had I not com hither to heare; how that all that came from us made it their business soe to exclaime against the Country as they had rendered it unfitt for a Christian habitation; which hindered the coming of the people & supplys to us soe as the rude Rable of our Inhabitants ware dayly redy to mutany against mee for keeping them there soe long;

insomuch that after they had found a way to com hither by land all the arguments and authority I could use wold noe longer prevail which inforced mee to stop the first ship that came till I could send for more shipping to carry us all away togeather espetially such weak persons as ware not able to goe by land, the charge and trouble whereof and the loss of my Estate there having soe ruened mee as I am not well able to settle myself heare or in any other place to live comfortably. But had it pleased God to bring my Cauzen vassall safe hither wee had bin yett in a flourishing condition. I sent one Whiticar last November on purpose at my owne charge to give the Lords an account of our condition but hee was taken by the way soe as I have not heard a word from any of you since I receaved my Commissions by Mr Sanford and indeed we ware as a poore Company of deserted people little regarded by any others and noe way able to supply ourselves with clothing and necessaries nor any number considerable to defend ourselves from the Indians all which was occationed by the hard termes of your Consetions which made our friends that sett us out from Barbadoes to forsake us, soe as thay would neither suply us with necessaries nor find shipping to fetch us away, yet had wee had but 200£ sent us in Clothing wee had made a comfortable shift for annother yeare, and I offered to stay there if but twenty men would stay with mee till wee had heard from your Lordships, for wee had corne enough for two yeares for a farr greater number and tho' the Indians had killed our Cattle yett wee might have defended ourselves but I could not find 6. men that wold be true to me to stay: soe was constrained to leave it to my greate loss & ruin, and I fear you will not have a much better account of your plantation at Ronoake unless a better course be taken to incorage their stay for they are not without greate cause of complaints.

This with my very humble servis presented is all at present From

Your honnors humble servant

JOHN VASSALL

(Addressed)

TO THE HONORABLE SIR JOHN COLITON

Knight and Barronett at Nerehald

These present

In Essex.

[P. P. R. O. Colonial Papers. Vol. XXI. No. 134.]

SAMUEL MAVERICKE TO SEC. Ld ARLINGTON 16. OCT. 1667.

Right Honourable

The above is a coppie of a letter sent in June, another coppie I sent with some addition by one Randall of Plymouth before wch time wee had certaine newes that Sr Robert Carr dyed in Bristoll and never got to London but hope the papers he carried came safe Since which time wee have not heard from England nor much from any other place only this. The plantations at Cape Feare are deserted, the inhabitants have since come hither, some to Virginia. Att Burmudoes there hath been such a drought as the fruites of the earth are all destroyed and in Virginia on the 23rd of August there was such a dreadfull huracana as blew up all by the rootes y^t^ was in the ground overturned many houses and abundance of trees and drove up some vessells of burthen above high water marke many foote and about tyme they report the Lord Baltamoores sworne Governor of Virginia died. Good my Lord pardon mee for being soe troublesome I shall ever remaine Right honorable Sir

Yo^r^ most obliged
humble Servant
SAMUELL MAVERICKE

Boston
Oct. 16. 1667.

[Hutchinson's History of Massachusetts, Page 238.]

Note.—In 1667 the people at Cape Fear being under distressing circumstances a general contribution by order of court was made through the colony for their relief. Although this was a colony subject to the proprietary government of Lord Clarendon and others, yet the foundation was laid about the time of the Restoration by adventurers from New England who supposed they had a right to the soil as first occupants and purchasers from the natives, and, issuing from Massachusetts, to the same civil privileges; but they were disappointed as to both. MS.

[B. P. R. O. Col: Ent: Book. No. 20. p. 23.]

George Duke of Albemarle Master of his Majesties Horse, Edward Earle of Clarendon, William Earle of Craven, John Lord Berkeley, Anthony Lord Ashley Chancellor of the Exchequer, Sir George Carteret Vice Chamberline of his Majesties Household, Sir William Berkeley Knight and Sir P. Colleton Bart: The trew and absolute Lords Propryators of all the Province of Carolina

To our trusty and welbeloved Samuell Stephens Esq[re] Greeting;

Wee doe hereby constitute and appoint you during our pleasure Governor of our County of Albemarle, as also of all Isles, Islets, Rivers and Seas within the bounds of the said County togeather with the Isles and Islets within tenn leagues thereof, with Power to nominate appoint and take to you 12. able men at most 6 at least to be of your Councell or assistance, or any eaven number between 6. and 12. unless we have before made choyce of or shall choose all or any of them. And we doe further constitute and appoint you to be our Commander in Cheife, during our pleasure of all our forces raised and to be raised, within our said County Isles and Islets aforesaid for the security of the same, and the parts adjacent within our said Province, over which forces you are to place Officers and to cause them to be duely exercised in armes, and to doe all and every other thing and things, which unto the Charge of a Commander in Cheife of an Army belongeth or hath accustomed to belong. Commanding all inferiour Officers and souldiers of our said forces, you to obey as their Commander in Cheife, according to this our Comission, and the powers thereby given unto you; and according to the Lawes and discipline of Warr; and you yourselfe alsoe are to observe and follow such orders and directions, as from time to time you shall receive from us, and in all things to govern yourselfe as unto your duty and place of Governor of our said County and Comander in Cheife of our forces there doth belonge. Given under our Greate seale of our said Province this day of October 1667.

[B. P. R. O. Col: Ent: Book. No. 20. p. 23.]

George Duke of Albemarle Master of his Majesties Horse, Edward Earle of Clarendon, William Earle of Craven, John Lord Berkeley,

Anthony Lord Ashley, Chancellor of the Exchequer, Sir George Carteret Vice Chamberline of his Majesties Household and Sir William Berkeley Knight and Sir P. Colleton Bart: The trew and absolute Lords Propryators of all the Province of Carolina

To our trusty and Welbeloved Samuell Stephens Esqre Governor of our County of Albemarle, and the Isles and Islets within tenn leagues thereof, And to our trusty and welbeloved our councellors and assistants to our said Governor. Greeting:

Bee it knowne unto all men, that wee the said Lords and absolute propryators of the County within the province aforesaid, for divers good causes and considerations, but more especially out of the trust and confidence, reposed in you our said Governor and Councellors, for the faithfull management of the power and Authority by us to you given to the best availe and improvement of our Interest and Dominion in the said County of Albemarle, and Isles and Islets aforesaid and for the availe and improvement of the Interest Liberty propryety and defence of all such as shall plant and inhabitt there; Have given granted and by these presents doe give and grant (during our pleasure) unto you our said Governor by and with the consent of our Counsell, or any three of the 6. or 4. of a greater Number full and absolute power and authority for us and in our Names, to lett, sell, convey and assure such lands in our said County to such person and persons, and for such Estate and Estates, and with such provisoes, conditions and Lymitations as wee by our Instructions and Concessions, here unto annexed have directed and as you shalbe directed by such other Instructions and Rules as from time to time you shall receive from us, and not otherwise, thereby rattifying and confirmeing whatsoever you shall doe pursuant to the said Instructions and Concessions and to such Instructions Rules and directions as aforesaid As alsoe to make, doe, performe and execute all and singuler Act and acts, thing and things, powers and authorityes whatsoever which wee ourselves may cann might or could doe, in for concerneing or relateing unto the Government both Civill and Millitary of the said County and Isle and Islets aforesaid by virtue of the Letters Pattents of his most excellent Majesty Charles the Second Kinge of England, Scotland, France and Ireland defender of the faith, bearing date at Westminster the 20th day of June in the 17th yeare of his Reigne, To be exercised nevertheless according to such Instructions and with such Lymitations, Restrictions, conditions and Provisoes as in these presents are hereafter conteyned; Thereby rattifying, confirming and allowing all and every such act and acts, thing

and things which our said Governor and our said Councellors in our Names shall doe in the premises pursuant to the Authority hereby committed; Provided and it is hereby declared that this present deede or anything therein conteyned doth not extend nor shall it be deemed or taken to extend, to give up to our said Governor or our said Councellors or either or any of them any power or authority to make any Manner of Grant conveyance, devise or other like disposition of any Lands lying within or being part of the said County, Isles or Islets aforesaid but according to our instructions and concessions, and reserveing for every acre English measure, which by virtue of this Authority you shall graunt to any person or persons $\frac{1}{2}^{d}$ of lawfull mony of England yearely Rent to be paid to us our heires or assignes, upon every 25th day of March according to the English account the first payment whereof to begin on the 25th day of March which shalbe according to the English account in the year of our Lord God 1670; Provided alsoe that noe order or Lawes made or to be made by virtue of this our Authority, shalbe in force as Lawes, for any longer tearme then one yeare and a halfe, within one yeare of which time, they shalbe transmitted and presented to usfor our Assent; which being given they shalbe in continewall force, till expired by there owne Lymitation, or by act repealed; Provided alsoe that the executive parte of all the said powers herein given, shalbe made and exercised by you our said Governor by and with the advice and consent of the Major parte of our Councell; And if it shall happen that our said Governor or any of our said Councell shall depart or be absent at any time from our said County, unless other provision be by us made, that then it shall and may be lawfull, to and for our Governor and Councell or the major parte of them resident in our said County, to nominate elect and appointe any such able person or persons, as in there discretion, to them shall seeme most fitt to serve in and supply the place of such of the said persons respectively, during there absence from our said County, Giveing and graunting unto him or them soe chosen during the absence of our said Governor or Councillors, as full, large and ample powers as wee by these presents to our said Governor or Councillors have given; Anything in this present Comision in any wise to the Contrary notwithstanding; and alsoe in Case of death of the Governor or death or Removall of any Member of our said Councell from tyme to tyme to nominate and elect fitt and able persons in their steads or places, respectively, which persons soe nominated and chosen shall exercise all powers to those said Offices respectively belonging till our pleasure be signified to the Contrary; Given under our greate Seale of our said Province this

day of October Anno Domini 1667.

[B. P. R. O. Col: Ent: Book. No. 20. p. 25.]

INSTRUCTIONS FOR OUR GOVERNOR OF THE COUNTY OF ALBEMARLE IN THE PROVINCE OF CAROLINA.

1. Imp[a] you are to take to you 6. Councillors at least 12. at most or any eaven Number betweene 6. and 12. with whose advice and consent, or with at least 3. of the 6. or 4. of a greater Number all being summoned you are to governe according to the Lymitations and Instructions following during our pleasure;

The Cheife Register or Secretary which wee have chosen or shall choose, we fayling that you shall choose, shall keepe exact Enteryes in faire bookes of all publicke affaires of said County and to avoyde deceates and law suites shall record and enter all graunts of Land from the Lords to the planter, and all conveyances of Land, house or houses from man to man, as alsoe all leases for Land, house or houses made or to be made, by the Landlords to any Tennant for more then one yeare, which Conveyance or Lease shalbe first acknowledged by the Grantor or Leaser or owner by the Oath of 2 Witnesses to the Conveyance or Lease before the Governor or some Chiefe Judge of a Court for the time being, who shall under his hand upon the backe side of the said deede or Lease, attest the acknowledgement or proofe as aforesaid, which shalbe a warrant for the Register to record the same, which Conveyance or Lease soe recorded shalbe good and effectuall in Law, notwithstanding any other Conveyance deede or Lease for said land, house or houses or for any parte thereof, although dated before the Conveyance, deede or Lease, recorded as aforesaid and the said Register shall doe all other thing or things, that wee by our Instructions shall direct and the Governor, Councell and assemblye shall ordayne, for the good and welfaire of the said County.

2. Item The Surveyor Generall that we have chosen or shall choose, we faileing that you shall choose shall have power by himselfe or deputy to survey, ley out and bound all such Lands, as shalbe graunted from the Lords to the planters and all other lands within the said County &c which may concerne particuler men, as he shalbe desired to doe, and a particuler thereof certify to the Register, to be recorded as aforesaid, Provided that if the said Register and Surveyor or either of them shall soe misbehave themselves, as that the Governor and Councell or Deputy Governor and Councell or the major parte of them shall find it reasonable

to suspend there actings in their respective Imployments it shalbe lawfull for them soe to doe, untill further order from us.

3. Item All choyce of Officers, made by you shalbe for noe longer time then during our Pleasure.

4. Item Yourselfe, Councellors, Assembly men, Secretarys, Surveyors and all other Officers of trust shall sware or subscribe in a booke to be provided for that purpose, that they will bear true allegance to the Kinge of England, his heires and Successors, and that they wilbe faithfull to the Interest of the Lords Propryators of the Province and their heires, executors and assignes and endeavour the peace and wellfaire of the said province, and they will truely and faithfully discharge their respective trusts, in their respective Offices and doe equall justice to all men, according to their best skill and judgment without Corruption, favour or affection, and the names of all that have sworne or subscribed to be entered in a booke, and whoesoever shall subscribe and not sware, and shall vyolate his promise in that subscription shalbe lyable to the same punishment that the persons are or may bee, that hath sworne and broken his oath.

Item That all persons that are or shall become subjects to the King of England, and sware or subscribe alleagance to the Kinge and faithfulness to the Lords as above, shalbe admitted to plant and become fremen of the province, and injoy the freedomes and Immunyties hereafter exprest, untill some stop or contradiction be made by us the Lords, or else by the Governor, Councell and Assembly which shalbe in force untill the Lords see cause to the contrary, provided that such stopp shall not any wayse prejudice the Right or Continewance of any person that hath beene receaved before such stopp or order come from the Lords or Generall assembly.

Item That noe person or persons quallifyed as aforesaid within the province, or all or any of the Countyes before exprest at any time shalbe anywayse molested, punished, disquieted or called in question for any differances in oppinion or practice in matter of religious concernement whoe doe not actually disturbe the civill peace of the said province or County, but that all and every such person and persons may from time to time and at all times freely and fully have and injoy their Jüdgements and Consiences in matter of religion, throughout all the said province, they behaving themselves peaceably and quietly and not useing this liberty to Lycentiousness, to the Civill Injury or outward disturbance of others, any Law, Statute or Clause contained or to be contained Usuage or Custome of this realme of England to the contrary hereof in any wise notwithstanding;

Item And that noe pretence may be taken by us our heirs or assignes, for or by reason of our right of patronage and power of advowson graunted unto us by His Majesties Letters Pattents aforesaid to infringe thereby the Generall clause of Liberty of Contience aforementioned, Wee doe hereby graunt unto the Generall Assembly of the said County Power by act to constitute and appoint such and soe many ministers or preachers as they shall thinke fitt and to establish their maintenance, giveing Liberty besides to any person or persons to keepe and maintayne what Preachers or Ministers they please.

Item That the Inhabitants being freemen or Cheefe agents to others of the County aforesaid doe as soone as this our Commission shall arrive by virtue of a writ in our Names, sealed with our Seale of the County and by you signed, make choyce of 12. deputyes or representatives from amongst themselves, whoe being chosen are to joyne with you our Governor and Councell for the makeing of such Lawes, Ordinances and Constitutions as shalbe necessary for the present good and wellfaire of the County aforesaid, but as soone as parishes, denizions, tribes or districtions of the County are made, that then the Inhabitants or freeholders of the severall and respective parishes, tribes, denizions and districtions of the County aforesaid doe (by your writts under our Seale which wee ingage shalbe in due time ishewed) annually meet on the 1° day of January and choose two freeholders fore each respective denizion, tribe or parish to be the deputyes or representatives of the same, which body of the representatives or the major parte of them shall with the Governor and Councell aforesaid be the Generall assembly of the said County the Governor or his deputy being present unless they shall wilfully refuse, in which case they may appoint themselves a President during the absence of the Governor or his deputy Governor.

Which Assembly are to have power

To appoint their owne times of meeting and to adjorne their Sessions from time to time to such times and places as they shall thinke convenient, as alsoe to assertane the Number of their quorum, provided that such Numbers be not less then $\frac{1}{3}$ parte of the whole, in whome or more shalbe the full power of the Generall Assembly vizt:

Item To act and make all such Lawes, acts and constitutions as shalbe necessary for the well government of the said Collony and them to repeale, provided that the same be consonant to reason, and as neare as may be conveniently agreable to the Lawes and Customes of his Majesties Kingdome of England, provided alsoe that they be not against the Interest of us the Lords Proprietors our heires or assignes, nor any of

these our present Concessions, espetially that they be not against the artikle for liberty of contience above mentioned, which Lawes &c soe made shall receave publication from the Governor and Councill (but as the Lawes of us and our Generall Assembly) and be in force for the space of 1 yeare and ½ and noe more, (unless confirmed by us.) within which time they are to be presented to us our heires &c for our ratification, and being confirmed by us they shalbe in Continewall force, till expired by their owne Lymitations or by act of repeale in like manner as aforesaid to be passed and confirmed.

Item By act as aforesaid to constitute all Courts togeather with the Lymitts, powers and Jurisdictions of the said Courts as alsoe the severall Officers Number of Officers belonging to each of the said respective Courts togeather with their severall and respective salleryes, fees and perquisites, there appellations and dignityes, with the penaltyes that shalbe due them for breach of their severall and respective dutyes and trusts.

Item By Act as aforesaid to ley equall taxes and assesments equally to rayse monies or goods upon the lands (excepting the Lands of us the Lords Proprietors before setting) or persons within the severall precincts, hundreds, parishes, Mannors or whatsoever other denizions shall hereafter be made and established in the said County, as oft as necessity shall require, and in such manner as to them shall seeme most equall and easye for the said inhabitants, in order to the better supporting of the publicke Charge of the said Government and for the mutuall safety, defence and security of the said County.

Item By act as aforesaid to erect within the said County such and soe many Barronyes and Mannors with their necessary Courts, Jurisdictions, freedoms and priviledges as to them shall seeme convenient, as alsoe to devide the said County into hundreds, parishes, tribes or such other denizions and districtions as they shall thinke fitt, and the said denizions to distinguish by what Names wee shall order or direct, and in default thereof by such Names as they please, as alsoe within any parte of the said County to create and appoint such and soe many ports, harbours, Creekes and other places for the convenient ladeing and unladeing of goods and merchandize out of shipes boates and other vessels, as they shall see expedient, with such Jurisdictions priviledges and franchises to such ports &c belonging as they shall judge most conducing to the Generall good of the said plantation or County.

Item By their enacting to be confirmed as aforesaid to erect rayse and build within the said County or any parte thereof such and soe many

forts, fortresses, Castles Cittyes, Corporations, Burroughs, Townes, Villages, and other places of strength and defence, and them or any of them to incorporate with such Charters and priviledges as to them shall seeme good and our Charter will permitt, and the same or any of them to fortifie and furnish with such proportion of ordinance, powder, shott, armour and all other weapons, ammunition and habilliments of warr both offensive and defensive as shalbe thought necessary and convenient for the safety and welfaire of the said County, but they may not at any time demolish, dismantle or disfurnish the same without the consent of the Governor and Major parte of the Councell.

Item By act as aforesaid to constitute trayne bands and Companies with the number of soldiers for the safety, strength and defence of the said County and province, and of the ports, Castles, Cittyes &c, to suppress all intrigues and Rebellions to make warr offensive and defensive with all Indyans, Strangers and Forreigners as they see cause, and to pursue an Enemy by sea as well as by land, and if needs be out of the Lymits and Jurisdictions of said County, with the particuler consent of the Governor and under the conduct of our Governor or whome he shall appoint.

Item by act as aforesaid to give unto all Strangers as to them shall seeme meete, at Naturallysation and all such freedomes and priviledges within the said County, as to his Majesties subjects doe of right belonge, they swearing or subscribing as aforesaid which Strangers soe naturallised and priviledged shall alsoe have the same immunities from Customes as is granted by the kinge to us, and by us to the said County; and shall not be lyable to any other Customes then the rest of his Majesties subjects in said County are, but be in all respects accompted in that County aforesaid as the King's Naturall Subjects.

Item By act as aforesaid to prescribe the quantityes of land which shalbe from time to time alloted to every head free or sarvant, male or female, and to make and ordaine rules for the casting of Lotts for Land, and leying out of the same, provided that they doe not in their said prescriptions, exceed the severall proportions which are hereby graunted by us, to all persons arriving in the said County or adventuring theither that is to say 60. acres to every freeman, and as much to his wife, the like to each freewoman that arrives in said County and brings servants to settle, and 60. acres to every Master or Mistris for every man sarvant he or they shall bringe or send, armed with a good fierlocke or Matchlocke bore 12 bullets to the pound, 10 pounds of powder and twenty lbs of bullets with Match proportionable, 50 acres for every other sort of sarvant and

50. acres for every servant for his or her proper use and behoofe, when their time of servitude is expired, provided that all lands whatsoever soe settled and planted shall afterwards from time to time for the space of 13 yeares from the date hereof be held upon the condition aforesaid of continewing one able man servant or 2 such weaker servants as aforesaid on every 100. acres, a Master or Mistris shall possess besides what was graunted for his or her owne person, infailer of which upon Notification to the present occupant or his assignes there shalbe 3. yeares time given to such for their compleating said Number of persons or for their sayle or other disposure of such parte of their land as are not soe peopled within which time of 3 yeares if any person holding any Lands shall fayle by himselfe, his agents, executors or assignes or some other way to provide such number of persons, unless the Generall Assembly shall without respect to poverty, judge that it was impossible for the party soe fayleing to keepe or procure his or her number of servants to be provided as aforesaid in such case wee the Lords to have power of disposeing of so much of such Land as shall not be planted, with its due Number of persons as aforesaid to some other that will plant the same.

Except those lands which are decended to Orphants by Inherritance, whome wee hereby allowe 3. yeares time after there comeing to the age of 21. yeares for the peopling of there land as aforesaid and then in case of failer wee the Lords to have power of disposure of their lands, as of the lands of other persons, provided alwayse that any person whoe hath a stocke, of Catle, Sheepe or such like on his hands shall for every greater sort of Catle, which he hath at the time of such forfeiture, as horses, kine &c. retane 2. acres and for every lesser sort as sheepe, hoggs &c. 1. acre, provided alsoe that noe persons arriveing into the said Collony with purpose to setle (they being subjects or natturallised as aforesaid) be denyed a graunt of such proportions of land as at the time of their arriveall are due to themselves or servants by concession from us as aforesaid but have full Lycence to take up and setle the same in such order and manner as is graunted or prescribed, all lands notwithstanding (the power in the assembly aforesaid) shalbe taken up by warrant from the Governor and confirmed by the Governor and Councell under our Seale of the County for that purpose provided, in such order and Meth-hood as shalbe set downe in this declaration and more at large in the Instructions to the Governor and Councell

Lastly To enact, constitute and ordaine all such other Lawes, acts and constitutions as shall or may be necessary for the good, prosperity and setlement of the said County, excepting what by these presents are excepted, and conformeing to the Limitations herein expressed.

To see all Courts established by the Lawes of the Generall Assembly and all Ministers and Officers Civill or Millitary doe and execute their severall dutyes and offices respectively according to the Lawes in force, and to punish them for swerveing from the Lawes or acting contrary to their trust; as the nature of their offence shall require.

Item According to the Constitutions of the Generall Assembly to nominate and commissionate the severall Judges Members and Officers of Courts wheither Majestraticall or Ministeryall and all other Civill Officers as Justices, Coroners &c and their Comissions and powers and authorityes to revoake at pleasure, provided they appoint none but such as are freeholders in the County aforesaid unless the Generall Assembly consent.

Item According to the Constitutions of the Generall Assembly to appoint Courts and Officers in cases criminiell and to empower them to inflict penaltyes upon offenders against any of the Lawes in force in the said County as the said Lawes shall ordayne, wheither by fine, Imprisonment, banishment, corporall punishment or to the taking away of Member or of life itselfe.

Item To place Officers and Soldiers for the safety, strength and defence of the forts, Castles, Cittyes &c according to the Number appointed by the Generall Assembly, to nominate, place and commissionate all Military Officers under the Governor whoe as Commander in cheefe is commissionated by us, over the severall trayne bands and companies constituted by the Generall Assembly as Collonels, Captains &c and their Commissions to revoake at pleasure the governor singly or with the advice of his Councill, which we advize him to take, to muster and trayne all the soldiers within the said County to prosecute warr, pursue an Enemy, suppress rebellions and mutinies as well by sea as land, and to exercise the whole Millita as fully as by our Letters Pattents from the Kinge wee cann impower him or them to doe, provided that they appoint noe millitary Officers but what are freeholders in the said County, unless the Generall Assembly shall consent.

Item Where they see cause after condemnation to repreive till the case may be presented with a Coppy of the whole Tryall, proceedings and proofes to the Lords, whoe will accordingly either pardon or command execution of the sentence on the offender whoe in the meane time to be Kept in safe custody till the pleasure of the Lords be knowne.

Item In case of death or other removeall of any of the representatives within the yeare to Ishew summons by Writt to the respective denizion or denizions for which hee or they were chosen commanding the freeholders of the same to choose others in there steade.

Item To make warrants and seale graunts for Lands according to our Concessions and prescriptions by the advice of the Generall Assembly in such forme as shalbe at large set downe in our Instructions to the Governor in his Commission and which are hereafter exprest.

Item To act and doe all other thing and things that may conduce to the safety, peace and well government of the said County as they shall see fitt, soe as they be not contrary to the Lawes of the County aforesaid.

For the better securing of the Propryetes of all inhabitants.

You are not to impose nor suffer to be imposed any taxe, Custome, Subsidy, tallage, assessment or any other duty whatsoever upon any cullor or pretence upon the said County and the Inhabitants thereof, other then what shalbe imposed by the authority and consent of the Generall Assembly, and then only in manner as aforesaid.

Item You are to take care that land quietly held planted and possessed 7. yeares after its being first duely surveyed by the surveyor Generall or his order shall not be subject to any review resurvey or alteration of bounds on what pretence soever by any of us, or any Officers or Ministers under us.

Item You are to take care that noe man if his Catle, stray range or graze on any ground within the said County not actually appropriated or set out to perticcnler persons shalbe lyable to pay any trespas for the same, our heires &c. provided that custome of Commons be not thereby pretended to, nor any person hindred from takeing up and appropryateing any Lands soe grazed upon, and that noe persons purposely doe suffer his Catle to graze on such lands.

Item It is our will and desire that the Inhabitants of said County and adventurers theither shall enjoy all the same Immunityes from Customs for exporting certine goods, from there Realmes of England &c. theither as the Kinge hath beene graciously pleased to graunt to us, as alsoe for the Incorragement of the manufactors of wine, silke, oyle, Ollives, fruits, almonds &c. mentioned in the pattent have priviledge for bringing them Custome free into any of his Maj^{ties} Dominions for the same time, and upon the same tearmes, as wee ourselves may by our Pattent doe.

And that the planting of the County aforesaid may be more speedily promoted.

You are to take notice that wee doe hereby graunt unto all persons whoe have already adventured theither or shall transport themselves or servants theither before the 25th day of December which shalbe in the yeare of our

Lord 1669 there following proportions of Land vizt: 60. acres English measure, to every freeman and as much to his wife, if he have one, and to every freewoman that already is or shall arrive into the said County with a sarvant or sarvants to plant within the time aforesaid 60. acres like measure to a Master or Mistris for every able man sarvant he or shee shall bringe or send as aforesaid being each of them armed with a good fierlocke or matchlocke bore 12 bullets to the pound 10 lbs. of powder and 20. lbs of bullets with match proportionable, 60 acres, and 50. acres like measure for every other sort of sarvant, he or shee shall bring within the time aforesaid, and to every of there servants soe transported within the time aforesaid, 50. acres like measure to their proper use and behoofe, when their time of servitude is expired, all which lands and all others that shalbe possessed there are to be held on the same tearmes and conditions as is before mentioned, and as is hereafter in the following paragraphes more at large exprest.

And that the lands may be the more regulerly laid out and all persons the better assertained of their tytles and possessions.

You are to take care and direct that all lands be devided by Generall Lotts, none less then 2200. acres nor more then 2200. acres in each lott except in Cittyes, Townes &c. and the neare lotts of Towneships and that the same be undecimally devided $\frac{1}{11}$ part by lott to us our heires and assignes, the remainder to persons as they come to plant the same in such proportions as is allowed.

Item That you or whoeme you shall depute in Case of death of absence, if some one be not before commissionated by us as aforesaid doe give to every person to whome land is due, a warrant signed and sealed by yourselfe and the major parte of your Councill, and directed to the surveyor Generall or his deputy, commanding him to ley out lymitt and bound acres of land (as his due proportion is) for such a person in such allotment according to which warrant the Register haveing first recorded the same, and attested the record upon the warrant the Surveyor Generall or his deputy shall proceed and certifie to the Cheefe Secrytary or Register the name of the person, for whome hee hath laid out land, by virtue of what authority, the date of the authority or warrant, the number of acres, the bounds, and on what point of the Compas the severall Lymitts thereof lye, which certificate the Register is likewayse to enter in a booke to be prepared for that purpose, with an alphabetical table refering to the booke, that soe the Certificate may be the easyor found, and then to fyle the Certificate, and the same to keepe safely.

The Certificate being entred a warrant comprehending all the particulers of Land mentioned in the Certificate aforesaid is to be prepared by the Secrytary, and signed and sealed by you and your Councell or the major parte of them as aforesaid (they haveing seene the Entery) and directed to the Register or Cheefe Secrytary for his preparing a graunt of the Land to the party for whome it is leyd out, which graunt shalbe in forme following vizt:

The Lords Propryators of the Province of Carolina doe hereby graunt unto, A. B. of the County of in the province aforesaid a plantation in the said County of acres English measure bonnding (as in the said Certificate) to hold to him (or her) his (or her) heirs or assignes for eaver; yielding and paying yearely to the said Lords Propryators their heires or assignes, every 25th day of March according to the English accompt ½d of lawfull English money for every of the said acres, to be holden of the mannor of in free and Common Soccage the first payment of which rent to begin on the 25th day of March which shalbe in the yeare of our Lord 1670 according to the English acccompt, given under the Seale of the County of the day of in the yeare of our Lord.

To which Instrument the Governor or his deputy hath hereby full Authority to put the Seale of the said County and to subscribe his name, as alsoe the Councell or major parte of them are to subscribe their names, and then the Instrewment or graunt is to be by the Register recorded in a booke of records for that purpose, all which being done according to these Instructions, wee hereby declare the same shalbe effectual in Law for the Injoyment of the said plant and all the benefitts and profitts of and in the same except ½ pt of mynes of gould and silver paying the rent as aforesaid provided that if any plantation soe graunted shall by the space of 3. yeares be neglected to the planted, with a sufficient number of servants as is before mentioned that then it shalbe lawfull for us otherwayse to dispose thereof in whole or in parte this graunt notwithstanding.

Wee doe alsoe grant convenient proportions of Land for highwayes and for streets not exceeding 100 foote in breadth in Cittyes, townes, Villages &c. for Churches, forts, Wharfes, Keyes, harbours and for publicke houses, and to each parish for the use of their Ministers, 100. acres in such places as the Generall Assembly shall appoint.

Item You are to take notice that all such lands leyed out for the uses and purposes in the next proceeding artikle, shalbe free and exempt from all rents, taxes and other charges or dutyes whatsoever, payable to us our heires or assignes.

Item That in leying out lands, for Cittyes, Townes, Villages, Burroughs or other hamletts, the said lands be undecimally devided $\frac{1}{11}$ parte to be by lott laid out for us, and the rest devided to such as shalbe willing to build thereon, they paying after the rate of $\frac{1}{2}^{d}$ per acre yearely to us, as for their other lands as aforesaid which said lands in Cittyes &c is to be assured to each possessor by the same way and Instrewment as is before mentioned.

Item That all rules relating to building of each streete, and quantity of ground to be allotted to each howse, within the said respective Cittyes, Burroughes and Townes, be wholy left by act as aforesaid to the wisdome and discretion of the Generall Assembly.

Item The Inhabitants of said County have free passage thorrough, or by any Seas, Sounds, Creekes, Rivers, Rivelets &c. in the said Province of Carolina, through or by which they must necessaryly pass to come from the mayne Ocean to the County aforesaid or any parte of the province aforesaid.

1668.

[Records of Perquimans County. Book A. No. 66.]

George Duke of Albemarle Master of his Majesties Horse, Edward Earle of Clarendon, William Earle of Craven, John Lord Berkley Anthony Lord Ashley Chancel of the Exchequer, Sir George Carteret Vice Chamberlain of his Majesty's household, Sir William Berkley Knight, & Sr. Peter Colleton Baronet, the true and absolute Lords Proprietors of all the Province of Carolina. To our trusty and well beloved Samuel Stephens Esqr Governor of our County of Albemarle, & the Isles and Inlets within ten Leagues thereof, and to our trusty and well beloved, our Counsellors, and adjustants to our said Governor, Greeting.—Whereas we have received a petition from the Grand Assembly of the County of Albemarle praying that the Inhabitants of the said County may hold their Lands upon the same terms, and conditions that the Inhabitants of Virginia hold theirs. And for as much as the said County doth border upon Virginia, and is much of the same nature; we are content, and do grant, that the Inhabitants of said County do hold their lands of us the Lords Proprietors upon the same terms and conditions that the Inhabitants of. Virginia hold theirs.—Werefore be it known

unto all men by these presents, that we the said Lords and absolute Proprietors of the County within the Province aforesaid, have given, granted, and by these presents do give and grant full Power and Authority unto you our said Govenor by and with the Consent of our Councel, or the major part thereof, or to any Govenor for the time being or that shall hereafter be by us appointed, full power and authority, by and with the consent of our Councel then being, or the major part thereof, to convey, and grant such proportions of Land, as by our Instructions and Consessions annexed to our Commission, bearing date in October, Anno Domini 1667. We have appointed to such persons as shall come into our said County to plant, or inhabit; To be held of us, our heirs and assigns upon the same terms, and Conditions that land is at this present usually granted in Virginia; anything in our Instruetions and Concessions aforesaid, to the Contrary not withstanding.—And we do hereby declare & consent that the warrant to the Surveyor for the laying out of said Land, and the Return thereof being Registered and also the grant of you our said Govenor, & Counsel, or Govenor and Counsel that shall be when such Land is due, having the Seal of the County affixed to it, and signed by your self, and Major part of our Counsel, for the time being, being Registered, shall be good and effectual in law for the enjoyment of the said Land, or Plantation, and all the benefits and profits of, and in the same; (Except one half of all Gold & Silver mines) to the party to whom it is granted his heirs and assigns forever, he or they performing the Conditions aforesaid, Given under our hands and great seal of our Province, this first day of May, Anno Domini 1668. Albemarle, Craven, John Berkley, Ashley, Carteret, P. Colliton.

[B. P. R. O. Colonial Papers. Vol. XXIII. No. 23.]

ACCOUNT OF LORD WILLOUGHBY'S PROCEEDINGS FROM HIS FIRST ARRIVAL AT BARBADOES 23 APRIL 1667.

BARBADOS. THE BEGINNING AND PROGRESS OF MY PROCEEDINGS HERE FROM MY FIRST ARRIVAL AT BARBADOS APRILL 23 1667 UNTO JULY 13 1668.

At my arrivall I found the island under three Governors my sonne Henry Willonghby Col. Henry Hawley & Col. Sam. Barwicke the two

latter planters who to ingratiate themselves with the people (though generally hated) endeavored to obstruct all business tending to the King's honor and to the Countryes safty when anything was proposed that might put the Country to charge This caused such a division betweene the loyally affected (who sided with my sonne Harry) and the factious and seditious spiritts that nowe begin to appeare (of which Barwicke, Lambert, Sir John Yeamans, Col. Sharpe Lt. Col. Edwd. Thornbury, Lt. Col. John Horne Col. Philip Bell now of my Council are the head and almost all, that had my arrivall beene protracted tenn dayes longer they had all beene together by the eares.

Sr John Yeamans another of this Assembly I at my first arrivall resolveing to appeare indifferent (making him a judg of one of the Courts) the last Assembly then sitting brought an accusation against him for hireing a witness to take away a man's life and made their request to me that noe such person might be employed in Judicature Upon which I sent for Sr John and advised him of it and of my kindnes to him and would he have abided test I profered to stand by him which hee refused and desired me to propose another for which I since understand he had reason, he haveing beene formerly convict of the crime and the man yet alive whose life hee endeavoured to take and for noe other reason but that he had a mind to the other gentleman's wife His sonne young Lieut. Coll. Yeamans was one of the Assembly the first day they sate told a Judge of this Island before much company that they (meaning the Assembly) would call mee to an account for shipping of the Country sugar though as yet I have not receaved one ounce.

W. WILLOUGHBY

Bar. July 22 '68.

1669.

[B. P. R. O. Colonial Entry Book. Vol. 20. p. 39.]

COPY OF Mr WEST'S COMISION AS COMANDER IN CHIEF.

George Duke of Albemarle Capt Gen^{ll} of all his Maj^{ties} Forces, Edward Earl of Clarendon William Earl of Craven John Ld Berkeley Anthony Ld Ashley Chancellor of the Exchequer Sir George Carteret

Barron^{t} Vice Chamberlain of His Maj^{ties} Household Sr Peter Colleton Barron^{t} & Sr William Berkeley Kn^{t} the True & Absolute Lds & Proprie^{trs} of ye Province of Carolina

To our trusty & Wellbeloved Joseph West Greeting We doe hereby constitute & appoint you during our Pleasure Governor & Commander in Chief of our Fleet & ye persons embarqued in it bound for Carolina or that shall embark in our Fleet before its arrival in Barbados over which you are to place officers and cause them to be duly exercised in Armes and to do all & every other thing or things, which under your Charge of a Commander in Chief belongeth And wee by Virtue of His Maj^{ties} Letters Pattents bearing date at Westminster ye 20th of June in ye 19th year of his Reign have power to Grant Commanding all infered officers of our said Fleet & Forces you to obey as their Comander in Chief according to this our Commission & the Power thereby given unto you. And you yourself also are to observe & follow such order and Direction as from time to time you shall receive from us & in all things to Govern yourself as unto ye duty & place of a Governor & Comander in Chief doth belong which place you are to Execute till another Governor for that part of our province that lyes to the Southward or Westward off Cape Carterett shall appear Which Comission under our Hands & Great Seale of our Province to whom you are then to submitt & this Comission to become voyd to all intents & purposes given under our hands and the Great Seale of our Province this 27th of July 1669.

[B. P. R. O. Colonial Entry Book. Vol. 20. p. 33.]

LETTER TO HENRY BRAINE.

Mr Henry Branie you are under the Comand of Mr Joseph West (whom we have apointed Com^{dr} in Chief of our Fleet till their arrival at Babados) to saile to Kinsal in Ireland & from thence to Barbados as he shall direct & order you & when you are at Barbados you are to observe the orders of our Governor for your proceedings to Port Royall, and to return from Port Royall to Barbados or to Virginia as you shall be directed by Mr John Yeamans Mr Thomas Colleton & Mr Kingsland & there take in passengers & other fraught for Port Royall, if you go to Virginia you are to apply yourselfe to Mr William Burgh in Chocatuck creek in James River in whose hands you shall finde Instructions what you are to do if

you come to Barbados you are to deliver what goods you shall bring from Port Royall for the Proprietors acc° to Mr John Hallet & take his & Mr Thomas Colletons Advice for your proceedings from thence either to saltordudos & Virginia or to Virginia directly or back to Port Royall.

When you are at Port Royall you are to consult with Mr West & our Governor there to what Port you shall goe when you goe from thence & are to sail to that Port that any two of you three shall agree on all being present at the Consultation if alive.

You are from time to time to send us an account of your Proceedings what fraught your ship hath made, and what you have delivered into the hands of our Factors or any of our Agents.

[B. P. R. O. Col: Ent: Book. No. 20. p. 46.]

AT A MEETING OF THE PROPRIATORS OF CAROLINA HELD AT THE COCKPITT THE 21st OF OCTOBER 1669.

Present

The Duke of Albemarle
The Earl of Craven
The Lord Berkeley
The Lord Ashley
Sir George Carterett
Sir Peter Colleton

The Duke of Albemarle was elected the first Pallatin of Carolina.
The Earle of Craven the first High Constable
The Lord Berkeley the first Chancellor
The Lord Ashley the first Chief Justice
Sir George Carteret the first Admirall
Sir Peter Colleton the first High Steward.

1670.

[B. P. R. O. Col: Ent: Book. No. 20. p. 47.]

AT A MEETING OF THE PROPRIETORS OF CAROLINA AT SIR GEORGE CARTERETTS LODGINGS AT WHITEHALL THE 20th OF JANUARY 1669. [70]

Present

The Earle of Craven
The Lord Berkeley
The Lord Ashley
Sir George Carteret
Sir Peter Colleton
Sir Tho: Clarges for Christopher Duke of Albemarle

George Duke of Albemarle the first pallatin of Carolina being dead The Lord Berkeley being the eldest in years of the surviving proprietors succeeded him and was admitted the second pallatin of Carolina.

The Earle of Craven continued his place of Constable

The Lord Ashley continued his place of Chief Justice

Sir George Carteret continued his place of Admirall

Sir Peter Colleton quitted his place of high Steward and made election of that of Chancellor

The Duke of Albemarle sent his Comission to his Deputy in Albemarle county by the tytle of Treasurer.

The Lord Berkeley Pallatin comissionated Samuell Stephens to be his Deputy and Governor of Albemarle.

The Earle of Craven deputed John Jenkins

The Lord Ashley Mr John Willughby

Sir George Carteret Mr Peter Carteret

Sir Peter Colleton Mr Godfry

The Duke of Albemarle sent a blank to the Governor.

[B. P. R. O. Col: Ent: Book. No. 20. p. 52.]

INSTRUCTIONS TO THE GOVERNOR AND COUNCELL OF ALBEMARLE.

Wee haveing agreed upon the Modell of Government herewith sent you Signed and Sealed by us to be the fundamentall Constitutions and forme of Government of our Province of Carolina for ever And not being able at present to putt it fully in practise by reason of the want of Landgraves and Cassiques and a sufficient number of people However intending to come as nigh it as we cann in the present state of affairs in all the Collony of our said Province you are therefore required

1. As soon as conveniently you cann after the receipt of theise our Instructions in our names to Issue out writts to the Fower Precincts of the County of Albemarle requireing each of them to elect five freeholders to be their representatives to whom the five persons chosen by us being added and who for the present represent the Nobillity are to be your Assembly They haveing chosen their Speaker you are in our names to require them to elect five persons which being joyned to those five deputed by us are to be your Councell by whose advice and consent or at least the major part of sixe of them all being summoned you are to governe according to the limitations and Instructions following observing what cann at present be put in practice of our Fundamentall Constitutions and forme of Government which Councell for the present to be in steed of the Grand Councell mentioned in our fundamentall Constitutions and form of Government And exercise the same powers and Jurisdictions the said Grand Councell is to doe by your fundamentall Constitutions and forme of Government

2. You are to cause all persons soe chosen to sweare Alleageance to our Soveraigne Lord the King, and Fidellity and submission to the Proprietors and the form of Government by them established; but in case any man for Religion sake be not free to sweare then shall he subscribe the same in a Book for that case provided which shall be deemed the same with swearing.

3. Yourselfe and the five Deputys of the respective proprietors are to represent the Pallatines Court and exercise the same Jurisdictions and powers that by our fundamentall Constitutions and forme of Government to that Court doth appertaine.

4. You are by and with the consent of the Councell to establish such Courts and soe many as you shall for the present think fitt for the administration of Justice till our Grand Modell of Government cann come to be putt in execution.

5. You are by and with the Consent of the Assembly to make such laws as you shall from time to time find necessary, which laws being rattified by you and any three of our five deputys shall be in force as is in that case provided in the Twelfth and other Articles of our fundamentall constitutions and forme of Government. You are as soon as conveniently you cann to cause the Surveyor Generall to divide the Country into squares of 12000. acres By which we intend not to alter any mans Right but that those measures and rules that We have agreed on in our fundamentall Constitutions and forme of Government may the sooner and easier come to be putt in practice amongst you.

6. You are to take notice that we doe grant unto all Free persons that doe come to plant in Carolina before the 25th of December 1672 And are above the age of sixteene yeares, sixty acres of Land And to the said Free persons for every able man servant with a good fyerlocke 10^{lbs} of powder and twenty pounds of Bullet sixty acres For every other sort of servant fifty acres And to each of the said servants when out of their time fifty acres to his or her proper use and behoofe and to their heirs &c for ever.

7. Any person haveing transported himselfe or servants into the County to plant shall make the same appeare to yourselfe and Councill who shall thereupon issue out a warrant to the Surveyor Generall to lay him out a parcell of Land according to the Proportion mentioned in theise our instructions And the Surveyor haveing done the same And the warrant with the Surveyor Generall's returne thereon being recorded And the person to whom this land is granted haveing sworne or subscribed Alleageance to our Soveraigne Lord the King and fidellity and submission to the Lords Proprietors and their fundamentall Constitutions and forme of Government You are under the Seale for that use provided to passe this following grant.

John Lord Berkeley of Stratton Lord Lieutenant of the Kingdome of Ireland and Pallatine of Carolina and the rest of the true and absolute Lords and Proprietors of Carolina To all persons to whom theise presents shall come greeting in our Lord God everlasting.

Know yee that we the said Lords and absolute Proprietors according to our Instructions dated at Whitehall the day of January 1669 Remaining upon Record in the County of Albemarle in the Province

aforesaid Doe hereby grant unto A. B. of the said County planter a Plantation containing acres of land English measure lying and being in the Precinct of A. in the said County bounded N the said Land being due to the said A. B. by and for the transportation into this County of persons whose names are upon Record under this Pattent. To have and to hould the said Plantation unto the said A. B. his heirs and Assignes for ever with Priviledge of Hawking Hunting, Fishing and fowling with all woods and trees, with what else is there standing, growing and being except all mines, and mineralls, and all quarrys of Jemms and pretious Stones. Yeilding and paying therefore unto us our Heirs and Successors yearely every twenty fifth day of March according to the English accompt one halfe penny of lawfull English money or the vallew thereof for every of the said acres to be houlden of us in Free and Common Soccage the first payement of the Rent to begin the five and twentieth day of March which shall be in the yeare 1670 Provided alwaies that if the said Land be not seated within one yeare after the date hereof then this Pattent to be void else to stand in full force Given at under the seale of our County of Albemarle this day of A. D. 1670. Being the sixth yeare of our possession of our Province of Carolina. Witness Peter Cartrett Esqre Governor and Commander in Cheife of our said County and our trusty and welbeloved our Councellors who have hereunto sett their hands the day and yeare above said.

[B. P. R. O. Col: Ent: Book. No. 20. p. 48.]

ACTS OF THE ASSEMBLY OF ALBEMARLE RATTIFIED AND CONFIRMED BY THE PROPRIETORS THE 20th JANry 1669 (-70).

AN ACT PROHIBITING SUEING OF ANY PERSON WITHIN 5. YEARES.

Whereas there hath not binn sufficient Encouragement hitherto granted to persons transporting themselves and Estates into this County to plant or inhabit. For remedy whereof be it enacted by the Pallatine and Lords Proprietors by and with the advice and consent of this present grand Assembly and the authority thereof that noe person transporting themselves into this County after the date hereof shall be lyable to be sued during the terme and space of five yeares after their Arrival for any

debt contracted or cause of action given without the County and that noe person liveing in this County shall on any pretence whatsoever receive any letter of Atturney Bill or account to recover any debt within the time above mentioned of a Debtor liveing here with out the said Debtor freely consent to it.

AN ACT CONCERNING MARRIAGES.

Forasmuch as there may be divers people that are minded to be joyned together in the holy state of Wedlock and for that there is noe minister as yet in this County by whom the said Partyes may be joyned in Wedlock according to the rites and customs of our native Country the Kingdome of England that none may be hindred from this soe necessary a worke for the preservation of Mankind and setlement of this County it is enacted And be it enacted by the Pallatine and Lords Proprietors of Carolina by and with the advice and consent of the Present Grand Assembly and authority thereof that any two persons desiring to be joyned together in the holy state of matrimony takeing three or fower of their Neighbours along with them and repairing to the Governor or any one of the Councell before him declaring that they doe joyne together in the holy state of Wedlock And doe accept one the other for man and wife; and the said Governor or Councellor before whom such act is performed giveing Certificate thereof and the said Certificate being registered in the Secrytary's Office or by the Register of the Precinct or in such other Office as shall hereafter for that use be provided It shall be deemed a Lawfull Marriage and the partyes violating this Marriage shall be punishable as if they had binn marryed by a minister according to the rites and Customs of England.

AN ACT CONCERNING TRANSFERRING OF RIGHTS.

There being divers persons who resort into this County and perhapps in a short time leave it againe yett neverthelesse whilst they are here, they make sale of their Rights to land which thing may prove very prejudiciall to our Lords Proprietors and to the speedy setlement of this County be it therefore enacted by the Pallatine and Lords Proprietors by and with the advice and consent of this present Grand Assembly That noe person or persons whatsoever shall make sale of their Right or Rights to land untill he hath binn two compleate years at least an inhabitant in the County.

AN ACT EXEMPTING NEW COMMERS FROM PAYING LEVYS FOR ONE YEARE.

Bee it enacted by the Pallatine and Lords Proprietors and with the advice and consent of the Grand Assembly and the authority thereof that any person or persons transporting themselves and Families into this County to plant and here seat themselves shall be exempted from paying levys for one whole yeare after their arrivall. Provided always there be noe emergent charge which the Vice Pallatine Counsell and Assembly shall judge extraordinary.

AN ACT AGAINST INGROCERS.

Whereas divers adventurers have transported Commodyties into this County which hath binn engrosed by some particular persons to retaile again at unreasonable rates to the Inhabitants of this County to prevent which inconvenience for the future It is enacted and be it enacted by the Pallatine and Proprietors by and with the advice and consent of this present Grand Assembly and the authority thereof that any person whatsoever within this County that shall after the Publication hereof presume to engrose any quantity of goods from any adventurer to sell and retaile againe at unreasonable rates to the Inhabitants shall forfeit for every such offence tenn thousand pounds of tobacco, the one halfe to the informer, the other halfe to the use of the Lords Proprietors.

And it is hereby further declared and enacted by the authority aforesaid that any person or persons that shall buy goods of any Adventurer and retaile the same except he cann in tenn days produce to the vallew of the said Goods so purchased of his owne proper Tobacco or Estate according to the bargaine in kinde he shall be deemed an Ingrocer and proceed against as in this act for that case is provided. Provided nevertheless that this Act shall not extend to the Prohibiting anyone that shall keep Shopp or retaile any sorte of Comodytys in any Towne that is or shall be erected by the Lords Proprietors or by their order.

AN ACT CONCERNING DEFRAYING THE CHARGE OF THE GOVERNOR AND COUNCELL.

Whereas there hath never any course been taken for the defraying the necessary charge of the Governor and Councell in time of Courte And for as much as the Grand Assembly doe thinke it unreasonable that they should spend their times in the service of the County and not have their

Charges borne, be it therefore enacted by the Pallatine and Proprietors by and with the advice and consent of this present Grand Assembly and the authority thereof That there be thirty pounds of Tobacco levyed upon every Action that comes into Courte from him that is cast and that it be levyed and collected by the Sheriff with his fees And disposed of by order of the Governor and Councell for defraying their ordinary charge.

AN ACT WHAT LAND MEN SHALL HOULD IN ONE DEVIDEND.

Whereas there are divers men that have right to great tracts land, and not nigh people enough to manure and people the same, by which means the Country will great part thereof lye unseated and unpeopled which may prove prejudiciall to the safety and interest of the Right Honorable the Lords Proprietors of the County For prevention whereof it is therefore enacted and be it enacted by the Pallatine and Lords Proprietors by and with the advice and consent of the Grand Assembly and authority thereof that noe person or persons whatsoever he be within this County under the degree of a Proprietor, Landgrave or Cassique shall have Liberty for the space of five yeares next ensueing to survey or ley out above six hundred and sixty acres of Land in one devideńd that soe the County may be the speedier seated, without express leave obtained from the Lords Proprietors.

And it is hereby further enacted that there shall not bee granted in any warrant any quantity of Land but what is allowed according to the Quallity of the right and is exprest in the Proprietors Instructions, concessions or fundamentall Constitutions or forme of Government.

AN ACT FOR THE SPEEDIER SEATING OF LAND.

Whereas there are severall of the Inhabitants within this County that formerly did cleare some small quantity of Land and build some houses thereon which now have forsaken it espetially on South Lanchester side of the west of Chowan and other parts of the County And in as much as the said Land lyes voyd and unplanted which proves a hindrance to the Setlement of the County Be it therefore enacted by the Pallatine and Lords Proprietors by and with the advice and consent of this present Grand Assembly and the authority thereof That if any person or persons that have bestowed any Labour as above said on any Land within the County shall not repaire to it and seat the same within sixe months after the publication hereof that then it shall and may be lawfull for the Governor and Councell to lett it out to any other person to doe it The

party to whom it is soe lett out paying to the first labourer so much as it shall be adjudged by fower honest men to be worth.

AN ACT PROHIBITING STRANGERS TRADING WITH THE INDIANS.

For as much as there is often recourse of Strangers from other parts into this County to truck and trade with the Indians which is conceived may prove very prejudiciall Wherefore be it enacted by the Pallatine and Lords Proprietors by and with the advice and consent of the Grand Assembly and the authority thereof that if any person or persons of what quallity or Condition soever they be shall presume to come into this County to truck or trade with any of our neighbouring Indians belonging to the County or that shall be found to have any Indian trade purchased from them or being found or appearing that they come to trade with any Indians as aforesaid Whether in their Townes or elsewhere within the County which is hereby left for the Magistrate to judge it shall bee lawfull for any person or persons to apprehend any such persons or Forreigners that shall be found amongst the Indians or elsewhere within the limitts of the County and him or them bring before the Governor or any one of the Councell who shall hereby have power to comitt them to prison there to abide till they have paid tenn thousand pounds of tobacco and caske otherwise to stand to the censure of the Vice Pallatine and Councell And it is further declared that whatsoever Trade is found with the person apprehended One halfe thereof and one halfe of the fine shall belong to the Apprehendor and the other halfe to the Lords Proprietors.

The fore going Acts weare past againe the 15th of October and sent per Mr Nixon.

[Reprinted from Revised Statutes of North Carolina, Vol. II, Page 449.]

THE FUNDAMENTAL CONSTITUTIONS OF CAROLINA, DRAWN UP BY JOHN LOCKE, MARCH 1, 1669.

(See Locke's Works, 8th edition, volume 10, page 175.)

Our sovereign Lord the King, having out of his royal grace and bounty, granted unto us the Province of Carolina, with all the royalties, properties, jurisdictions and priviledges of a County Palatine, as large and ample as the County Palatine of Durham, with other great Priviledges;

for the better settlement of the government of the said place, and establishing the interest of the Lords Proprietors with equality, and without confusion; and that the government of this Province may be made most agreeable to the Monarchy under which we live, and of which this Province is a part; and that we may avoid erecting a numerous democracy: We, the Lords and proprietors of the Province aforesaid, have agreed to this following form of government, to be perpetually established amongst us, unto which we do oblige ourselves, our heirs and successors, in the most binding ways that can be devised.

1st. The eldest of the Lords Proprietors shall be Palatine; and upon the decease of the Palatine the eldest of the seven surviving proprietors shall always succeed him.

2d. There shall be seven other chief officers erected, viz. the Admirals, Chamberlains, Chancellors, Constables, Chief Justices, High Stewards and Treasurers; which places shall be enjoyed by none but the Lords Proprietors, to be assigned at first by lot; and upon the vacancy of any one of the seven great offices, by death or otherwise, the eldest proprietor shall have his choice of the said place.

3d. The whole Province shall be divided into Counties; each county shall consist of eight signories, eight baronies and four precincts; each precinct shall consist of six colonies.

4th. Each signory, barony, and colony, shall consist of twelve thousand acres, the eight signories being the share of the eight proprietors, and the eight baronies of the nobility; both which shares, being each of them one fifth of the whole, are to be perpetually annexed, the one to the proprietors and the other to the hereditary nobility; leaving the colonies, being three fifths, amongst the people; so that in setting out and planting the lands, the balance of the government may be preserved.

5th. At any time before the year one thousand, seven hundred and one, any of the lords proprietors shall have power to relinquish, alienate and dispose to any other person, his proprietorship, and all the signories, powers, and interest, thereunto belonging, wholly and intirely together, and not otherwise. But after the year one thousand, seven hundred, those who are then Lords Proprietors, shall not have power to alienate, or make over their proprietorship, with the signories and priviledges thereunto belonging or any part thereof to any person whatsoever, otherwise than in section 18th; but it shall all descend unto their heirs male; and for want of heirs male, it shall descend on that Landgrave, or Casique, of Carolina, who is descended of the next heirs female of the proprietor; and for want of such heirs, it shall descend on the next heir

general; and for want of such heirs, the remaining seven proprietors shall upon the vacancy, choose a Landgrave to succeed the deceased proprietors, who being chosen by the majority of the seven surviving proprietors, he and his heirs, successively, shall be proprietors, as fully, to all intents and purposes, as any of the rest.

6th. That the number of eight proprietors may be constantly kept; if upon the vacancy of any proprietorship, the seven surviving proprietors shall not choose a Landgrave to be a proprietor, before the second biennial parliament after the vacancy, then the next biennial parliament but one, after such vacancy shall have power to choose any Landgrave to be a proprietor.

7th. Whosoever after the year one thousand seven hundred, either by inheritance or choice, shall succeed any proprietor in his proprietorship and signories thereunto belonging, shall be obliged to take the name and arms of that proprietor whom he succeeds, which from thenceforth shall be the name and arms of his family and their posterity.

8th. Whatsoever Landgrave or Casique shall any way come to be a proprietor, shall take the signories annexed to the said proprietorship: but his former dignity, with the baronies annexed, shall devolve into the hands of the Lords Proprietors.

9th. There shall be just as many Landgraves as there are counties, and twice as many Casiques, and no more. These shall be the hereditary nobility of the Province, and by right of their dignity be members of parliament. Each Landgrave shall have four baronies, and each Casique two baronies, hereditarily and unalterably annexed to and settled upon the said dignity.

10th. The first Landgraves and Casiques, of the twelve first counties to be planted, shall be nominated thus, that is to say, of the twelve Landgraves, the Lords Proprietors shall each of them separately for himself, nominate and choose one; and the remaining four Landgraves of the first twelve shall be nominated and chosen by the Palatine's court. In like manner of the twentyfour first Casiques, each proprietor for himself shall nominate and choose two, and the remaining eight shall be nominated and chosen by the palatine's court; and when the twelve first counties shall be planted, the Lords Proprietors shall again, in the same manner, nominate and choose twelve more Landgraves, and twentyfour more Casiques, for the next twelve counties to be planted; that is to say, two thirds of each number, by the single nomination of each proprietor for himself, and the remaining third by the joint election of the palatine's court; and so proceed in the same manner, till the whole province of

Carolina be set out and planted, according to the proportions in these fundamental constitutions.

11th. Any Landgrave or Casique, at any time before the year one thousand seven hundred and one, shall have power to alienate, sell or make over to any other person, his dignity, with the baronies thereunto belonging, all intirely together; but after the year one thousand, seven hundred, no Landgrave or Casique shall have power to alienate, sell, make over, or let the hereditary baronies of his dignity, or any part thereof, otherwise than as in section 18th; but they shall all intirely, with the dignity thereunto belonging, descend unto his heirs male; and for want of heirs male, all intirely and undivided, to the next heir general; and for want of such heirs shall devolve into the hands of the Lords proprietors.

12th. That the due number of Landgraves and Casiques, may be always kept up; if upon the devolution of any landgraveship, or Casiqueship, the palatine's court shall not settle the devolved dignity, with baronies thereunto annexed, before the second biennial parliament, after such devolution, the next biennial parliament but one, after such devolution, shall have power to make any one landgrave or casique, in the room of him who dying without heirs, his dignity and baronies devolved.

13th. No one person shall have more than one dignity, with the signiories or baronies thereunto belonging. But whensoever it shall happen, that any one who is already Proprietor, Landgrave, or Casique, shall have any of these dignities descend to him by inheritance, it shall be at his choice to keep which of the dignities, with the lands annexed, he shall like best; but shall leave the other, with the lands annexed, to be enjoyed by him, who not being his heir apparent, and certain successor to his present dignity, is next of blood.

14th. Whosoever by right of inheritance, shall come to be Landgrave or Casique, shall take the name and arms of his predecessor in that dignity, to be from thenceforth the name and arms of his family and their posterity.

15th. Since the dignity of Proprietor, Landgrave or Casique, cannot be divided, and the signiories or baronies, thereunto annexed, must forever all intirely descend with and accompany that dignity; whensoever for want of heirs male, it shall descend on the issue female, the eldest daughter and her heirs shall be preferred, and in the inheritance of those dignities, and in the signiories or baronies annexed, there shall be no coheirs.

16th. In every signiory, barony, and manor, the respective Lord shall have power in his own name to hold court leet there, for trying of all causes, both civil and criminal; but where it shall concern any person being no inhabitant, vassal, or leet man, of the said signiory, barony or manor, he upon paying down of forty shillings, for the Lords Proprietors' use, shall have an appeal from the signiory, or barony court, to the county court, and from the manor court to the precinct court.

17th. Every manor shall consist of not less than three thousand acres, and not above twelve thousand acres, in one intire piece and colony; but any three thousand acres or more, in one piece, and the possession of one man, shall not be a manor, unless it be constituted a manor by the grant of the palatine's court.

18th. The Lords of signiories and baronies, shall have power only of granting estates not exceeding three lives, or twentyone years, in two thirds of the said signiories, or baronies, and the remaining third shall be always demesne.

19th. Any Lord of a manor, may alienate, sell, or dispose to any other person and his heirs forever, his manor all intirely together, with all the priviledges and leet men, thereunto belonging, so far forth as any colony lands; but no grant of any part thereof, either in fee or for any longer term than three lives, or one and twenty years, shall be good against the next heir.

20th. No manor, for want of issue male, shall be divided amongst coheirs; but the manor, if there be but one, shall all intirely descend to the eldest daughter and her heirs. If there be more manors than one, the eldest daughter first shall have her choice, the second next, and so on, beginning again at the eldest until all the manors be taken up; that so the priviledges which belong to manors, being indivisible, the lands of the manors, to which they are annexed, may be kept intire, and the manor not lose those priviledges, which upon parcelling out to several owners must necessarily cease.

21st. Every Lord of a manor, within his own manor, shall have all the powers, jurisdictions and priviledges, which a Landgrave or Casique hath in his baronies.

22d. In every signiory, barony and manor, all the leet men shall be under the jurisdiction of the respective Lords of the said signiory, barony or manor, without appeal from him. Nor shall any leet man, or leet woman have liberty to go off from the land of their particular Lord and live any where else, without license obtained from their said Lord, under hand and seal.

23d. All the children of leet men, shall be leet men, and so to all generations.

24th. No man shall be capable of having a court leet, or leet men, but a Proprietor, Landgrave, Casique, or Lord of a manor.

25th. Whoever shall voluntarily enter himself a leet man, in the registry of the county court, shall be a leet man.

26th. Whoever is Lord of leet men, shall upon the marriage of a leet man, or leet woman of his, give them ten acres of land, for their lives, they paying to him therefore, not more than one eighth part of all the yearly produce and growth of the said ten acres.

27th. No Landgrave or Casique, shall be tried for any criminal cause, in any but the Chief-justice's court, and that by a jury of his peers.

28th. There shall be eight supreme Courts. The first called the palatine's court, consisting of the Palatine and the other seven Proprietors. The other seven courts, of the other seven great officers, shall consist each of them of a Proprietor, and six counsellors added to him. Under each of these latter seven courts, shall be a college of twelve assistants. The twelve assistants of the several colleges, shall be chosen, two out of the Landgraves, Casiques, or eldest sons of the Proprietors, by the palatine's court: two out of the Landgraves, by the Landgraves' chamber; two out of the Casiques, by the Casiques' chamber; four more of the twelve shall be chosen by the Common's chamber, out of such as have been or are members of parliament, sheriffs, or justices of the county court, or the younger sons of Proprietors, or the eldest sons of Landgraves or Casiques; the two others shall be chosen by the Palatine's court, out of the same sort of persons out of which the common's chamber is to choose.

29th. Out of these colleges, shall be chosen at first by the palatine's court, six counsellors to be joined with each Proprietor in his court; of which six, one shall be of those, who were chosen into any of the colleges by the palatine's court, out of the Landgraves, Casiques, or eldest sons of Proprietor's; one, out of those who were chosen by the Landgrave's chamber; one, out of those who were chosen by the Casique's chamber; two, out of those who were chosen by the Common's chamber: and one out of those who were chosen by the Palatine's court, out of the Proprietor's younger sons, or eldest sons of Landgraves, Casiques, or Commons qualified as aforesaid.

30th. When it shall happen that any counsellor dies, and thereby there is a vacancy; the grand council shall have power to remove any counsellor that is willing to be removed out of any of the Proprietor's courts, to fill up the vacancy, provided they take a man of the same degree and

choice the other was of, whose place is to be filled up. But if no counsellor consent to be removed, or upon such remove the last remaining vacant place, in any of the Proprietor's courts, shall be filled up by the choice of the grand council, who shall have power to remove out of any of the colleges, any assistant who is of the same degree and choice that counsellor was of, into whose vacant place he is to succeed. The grand counsil also, have power to remove any assistant, that is willing, out of one college into another, provided he be of the same degree and choice. But the last remaining vacant place in any college, shall be filled up by the same choice, and out of the same degree of persons the assistant was of, who is dead or removed. No place shall be vacant in any Proprietor's court above six months. No place shall be vacant in any college, longer than the next session of parliament.

31st. No man being a member of the grand council, or of any of the seven colleges, shall be turned out, but for misdemeanour, of which the grand council shall be judge; and the vacancy of the person so put out, shall be filled, not by the election of the grand council, but by those who first chose him, and out of the same degree he was of, who is expelled. But it is not hereby to be understood, that the grand council hath any power to turn out any one of the Lords Proprietors, or their deputies; the Lords Proprietors having in themselves, an inherent original right.

32d. All elections in the parliament, in the several chambers of the parliament, and in the grand council, shall be passed by balloting.

33d. The Palatine's court shall consist of the palatine, and seven Proprietors, wherein nothing shall be acted without the presence and consent of the Palatine or his deputy, and three other of the Proprietors or their deputies. This court shall have power to call Parliaments, to pardon all offences, to make elections of all officers in the Proprietor's dispose, and to nominate and appoint port townes; and also shall have power by their order to the treasurer, to dispose of all public treasure, excepting money granted by the Parliament, and by them directed to some particular public use; and shall also have a negative upon all acts, orders, votes and judgments of the grand council and the parliament, except only as in Sec. 6th and 12th, and shall have all the powers granted to the Lords Proprietors, by their patent from our sovereign lord the king, except in such things as are limited by these fundamental constitutions.

34th. The Palatine himself, when he in person shall be either in the army, or any of the Proprietor's courts, shall then have the power of general, or of that Proprietor in whose court he is then present, and the

Proprietor in whose court the Palatine then presides, shall during his presence there, be but as one of the council.

35th. The chancellor's court, consisting of one of the Proprietors, and his six counsellors, who shall be called vice chancellors, shall have the custody of the seal of the Palatine, under which charters of lands or otherwise, commissions and grants of the Palatine's court, shall pass. And it shall not be lawful to put the seal of the Palatinate to any writing, which is not signed by the Palatine or his deputy, and three other Proprietors or their deputies. To this court also belong all state matters, despatches, and treaties with the neighbour Indians. To this court also belong all invasions of the law, of liberty, of conscience, and all invasions of the public peace, upon pretence of religion, as also the license of printing. The twelve assistants belonging to this court, shall be called recorders.

36th. Whatever passes under the seal of the Palatinate, shall be registered in that proprietor's court to which the matter therein contained, belongs.

37th. The Chancellor or his deputy, shall be always speaker in Parliament, and president of the grand council, and in his and his deputy's absence, one of the vice chancellors.

38th. The Chief Justice's Court consisting of one of the proprietors and six counsellors, who shall be called justices of the bench, shall judge all appeals in cases both civil and criminal, except all such cases as shall be under the jurisdiction and cognizance of any other of the Proprietor's courts, which shall be tried in those courts respectively. The government and regulation of registries of writings and contracts, shall belong to the jurisdiction of this court. The twelve assistants of this court, shall be called masters.

39th. The Constable's Court, consisting of one of the Proprietors and his six counsellors, who shall be called Marshalls shall order and determine of all military affairs by land, and all land forces, arms, ammunition, artillery, garrisons and forts, &c. and whatever belongs unto war. His twelve assistants shall be called Lieutenant Generals.

40th. In time of actual war, the Constable while he is in the army, shall be general of the army; and the six Counsellors, or such of them as the Palatine's Court shall for that time or service appoint, shall be the immediate great officers under him, and the Lieutenant Generals next to them.

41st. The Admiral's Court, consisting of one of the Proprietors, and his six Counsellors, called Consuls, shall have the care and inspection

over all ports, moles, and navigable rivers so far as the tide flows, and also all the public shipping of Carolina, and stores thereunto belonging, and all maritime affairs. This court also shall have the power of the court of admiralty; and shall have power to constitute Judges in port towns, to try cases belonging to law-merchant, as shall be most convenient for trade. The twelve assistants belonging to this court, shall be called proconsuls.

42d. In time of actual war, the admiral whilst he is at sea, shall command in chief, and his six counsellors, or such of them as the Palatine's Court shall for that time or service appoint, shall be the immediate great officers under him, and the proconsuls next to them.

43d. The treasurer's court, consisting of a proprietor and his six counsellors, called under treasurers, shall take care of all matters that concern the public revenue and treasury. The twelve assistants shall be called Auditors.

44th. The high Steward's Court, consisting of a proprietor and his six counsellors, called comptrollers, shall have the care of all foreign and domestic trade, manufactures, public buildings, work houses, highways, passages by water above the flood of the tide, drains, sewers, and banks against inundations, bridges, posts, carriers, fairs, markets, corruption or infection of the common air or water, and all things in order to the public commerce and health; also, setting out and surveying of lands; and also setting out and appointing places for towns to be built on, in the precincts, and the prescribing and determining the figure and bigness of the said towns according to such models as the said courts shall order; contrary or differing from which models, it shall not be lawful for any one to build in any town. This court shall have power also to make any public building, or any new highway, or enlarge any old highway upon any man's land whatsoever; as also to make cuts, channels, banks, locks and bridges for making rivers navigable, or for draining fens, or any other public use. The damage the owner of such lands (on or through which any such public things shall be made) shall receive thereby, shall be valued, and satisfaction made, by such ways as the grand council shall appoint. The twelve assistants belonging to this court shall be called surveyors.

45th. The Chamberlain's Court, consisting of a Proprietor and six Counsellors, called vice chamberlains, shall have the care of all ceremonies, precedency, heraldry, reception of public messengers, pedigrees, the registry of all births, burials and marriages, legitimation, and all cases concerning matrimony, or arising from it, and shall also have power to

regulate all fashions, habits, badges, games and sports. To this Court it shall also belong, to convocate the grand council. The twelve assistants belonging to this Court, shall be called Provosts.

46th. All causes belonging to, or under the jurisdiction of any of the Proprietor's Courts, shall in them respectively be tried, and ultimately determined, without any further appeal.

47th. The Proprietor's Courts shall have a power to mitigate all fines, and suspend all execution in criminal causes, either before or after sentence, in any of the other inferior courts respectively.

48th. In all debates, hearings or trials in any of the Proprietor's Courts, the twelve assistants belonging to the said courts respectively, shall have liberty to be present, but shall not interpose unless their opinions be required, nor have any vote at all; but their business shall be, by the direction of the respective courts, to prepare such business as shall be committed to them; as also to bear such offices, and dispatch such affairs, either where the court is kept, or elsewhere, as the court shall think fit.

49th. In all the Proprietor's Courts, the Proprietor and any three of his Counsellors shall make a quorum; provided always, that for the better despatch of business, it shall be in the power of the Palatine's Court to direct what sort of causes shall be heard and determined by a quorum of any three.

50th. The grand council shall consist of the Palatine and seven Proprietors, and the fortytwo Counsellors of the several Proprietor's Courts, who shall have power to determine any controversy that may arise between any of the Proprietor's Courts, about their respective jurisdictions, or between the members of the same court, about their manner and methods of proceedings; to make peace and war, leagues, treaties, &c., with any of the neighbour Indians; to issue out their general orders to the Constable's and Admiral's Courts, for the raising, disposing, or disbanding the forces, by land or by sea.

51st. The grand council shall prepare all matters to be proposed in Parliament. Nor shall any matter whatsoever, be proposed in Parliament, but what has first passed the grand council; which after having been read, three several days in the Parliament, shall by majority of votes, be passed or rejected.

52d. The grand council shall always be judges of all causes and appeals that concern the Palatine, or any of the Lords Proprietors, or any Counsellor of any Proprietor's Court, in any cause which should otherwise have been tried in the court of which the said Counsellor is Judge himself.

53d. The grand council by their warrants to the Treasurer's Court, shall dispose of all the money given by the Parliament, and by them directed to any particular public use.

54th. The quorum of the grand council shall be thirteen, whereof a Proprietor or his deputy shall be always one.

55th. The grand council shall meet the first Tuesday in every month, and as much oftener as either they shall think fit, or they shall be convocated by the Chamberlain's Court.

56th. The Palatine, or any of the Lords Proprietors, shall have power, under hand and seal, to be registered in the grand council, to make a deputy, who shall have the same power to all intents and purposes, as he himself, who deputes him; except in confirming acts of Parliament as in Sec. 76th, and except also in nominating and choosing Landgraves and Casiques, as in Sec. 10th. All such deputations, shall cease and determine at the end of four years, and at any time shall be revocable, at the pleasure of the deputator.

57th. No deputy of any Proprietor shall have any power, whilst the deputator is in any part of Carolina, except the Proprietor, whose deputy he is, be a minor.

58th. During the minority of any Proprietor, his guardian shall have power to constitute and appoint his deputy.

59th. The eldest of the Lords Proprietors who shall be personally in Carolina, shall of course be the Palatine's deputy, and if no proprietor be in Carolina, he shall choose his deputy out of the heirs apparent of any of the Proprietors, if any such be there; and if there be no heir apparent of any of the Lords Proprietors, above one and twenty years old in Carolina, then he shall choose for deputy, any one of the Landgraves of the grand council; till he have by deputation under hand and seal chosen any one of the fore-mentioned heirs apparent, or Landgraves, to be his deputy, the eldest man of the Landgraves, and for want of a Landgrave, the eldest man of the Casiques, who shall be personally in Carolina, shall of course be his deputy.

60th. Each Proprietor's deputy, shall be always one of his six Counsellors respectively; and in case any of the Proprietors hath not, in his absence out of Carolina, a deputy, commissioned under his hand and seal, the eldest nobleman of his court, shall of course be his deputy.

61st. In every county, there shall be a court consisting of a sheriff, and four Justices of the county, for every precinct, one. The Sheriff shall be an inhabitant of the county, and have at least five hundred acres freehold within the said county; and the justices shall be inhabitants,

and have each of them five hundred acres apiece freehold within the precinct for which they serve respectively. These five shall be chosen from time to time and commissioned, by the Palatine's court.

62d. For any personal causes exceeding the value of two hundred pounds sterling, or in title of land, or in any criminal cause, either party upon paying twenty pounds sterling to the Lords Proprietor's use, shall have liberty of appeal from the County Court, unto the respective Proprietor's Court.

63d. In every precinct there shall be a court consisting of a Steward, and four Justices of the precinct, being inhabitants, and having three hundred acres of freehold within the said precinct, who shall judge all criminal crimes; except for treason, murder, and any other offences punishable with death, and except all criminal causes of the nobility; and shall judge also, all civil causes whatsoever; and in all personal actions not exceeding fifty pounds sterling without appeal; but where the cause shall exceed that value, or concern a title of land, and in all criminal causes; there either party upon paying five pounds sterling, to the Lords Proprietor's use, shall have liberty of appeal to the county court.

64th. No cause shall be twice tried in any one court, upon any reason or pretence whatsoever.

65th. For treason, murder, and all other offences punishable with death, there shall be a commission twice a year at least, granted unto one or more members of the grand council, or colleges, who shall come as itinerant Judges to the several counties, and with the Sheriff and four Justices, shall hold assizes, to judge all such causes; but upon paying of fifty pounds sterling, to the Lords proprietors use, there shall be liberty of appeal to the respective Proprietors court.

66th. The Grand Jury at the several assizes, shall upon their oaths and under their hands and seals, deliver into their itinerant Judges, a presentment of such grievances, misdemeanours, exigencies, or defects, which they think necessary for the public good of the country; which presentments shall by the itinerant Judges, at the end of their circuit, be delivered in to the grand council, at their next sitting. And whatsoever therein concerns the execution of laws, already made, the several Proprietor's courts, in the matters belonging to each of them respectively, shall take cognisance of it, and give such order about it, as shall be effectual for the due execution of the laws. But whatever concerns the making of any new law, shall be referred to the several respective courts, to which that matter belongs, and be by them prepared and brought to the grand council.

67th. For terms, there shall be quarterly, such a certain number of days, not exceeding one and twenty at any one time, as the several respective courts shall appoint. The time for the beginning of the term in the Precinct court shall be the first Monday in January, April, July and October, in the County court, the first Monday in February, May, August and November; and in the Proprietor's courts, the first Monday in March, June, September and December.

68th. In the Precinct court, no man shall be a Juryman, under fifty acres of freehold. In the County court, or at the assizes, no man shall be a grand juryman, under three hundred acres of freehold; and no man shall be a petty juryman, under two hundred acres of freehold. In the Proprietor's courts, no man shall be a juryman, under five hundred acres of freehold.

69th. Every jury shall consist of twelve men; and it shall not be necessary they should all agree, but the verdict shall be according to the consent of the majority.

70th. It shall be a base and vile thing, to plead for money or reward; nor shall any one, (except he be a near kinsman, nor farther off than cousin german to the party concerned) be permitted to plead another man's cause, till before the judge, in open court, he hath taken an oath that he doth not plead for money or reward, nor hath, nor will receive, nor directly, nor indirectly, bargained with the party whose cause he is going to plead, for money, or any other reward for pleading his cause.

71st. There shall be a Parliament consisting of the Proprietors, or their deputies, the Landgraves and Casiques, and one freeholder out of every precinct, to be chosen by the freeholders of the said precinct respectively. They shall sit all together in one room, and have, every member, one vote.

72d. No man shall be chosen a member of Parliament, who has less than five hundred acres of freehold within the precinct for which he is chosen, nor shall any have a vote in choosing the said member, that hath less than fifty acres of freehold within the said precinct.

73d. A new Parliament shall be assembled the first Monday of the month of November, every second year, and shall meet and sit in the town they last sat in, without any summons, unless by the Palatine's court they be summoned to meet at any other place. And if there shall be any occasion of a parliament in these intervals, it shall be in the power of the Palatine's court, to assemble them in forty days' notice, and at such time and place as the said court shall think fit; and the Palatine's court shall have power to dissolve the said Parliament, when they shall think fit.

74th. At the opening of every Parliament, the first thing that shall be done, shall be the reading of these Fundamental Constitutions, which the Palatine and Proprietors, and the rest of the members then present, shall subscribe. Nor shall any person whatsoever, sit or vote in the Parliament, till he hath that session subscribed these Fundamental Constitutions, in a book kept for that purpose, by the clerk of the parliament.

75th. In order to the due election of members, for the biennial Parliament, it shall be lawful for the freeholders of the respective precincts to meet the first Tuesday in September, every two years, in the same town or place that they last met in, to choose parliament men, and there choose those members that are to sit the next November following; unless the steward of the precinct shall by sufficient notice, thirty days before, appoint some other place for their meeting in order to the election.

76th. No act or order of Parliament shall be of any force, unless it be ratified in open parliament during the same session, by the Palatine or his deputy, and three more of the Lords Proprietors or their deputies; and then not to continue longer in force, but until the next biennial Parliament, unless in the meantime it be ratified under the hands and seals of the Palatine himself, and three more of the Lords Proprietors, themselves, and by their order published at the next biennial Parliament.

77th. Any Proprietor or his deputy may enter his protestation against any act of the Parliament, before the Palatine or his deputy's consent be given as aforesaid; if he shall conceive the said act to be contrary to this establishment, or any of these Fundamental Constitutions of the Government. And in such case, after full and free debate, the several estates shall retire into four several chambers, the Palatine and Proprietors into one; the Landgraves into another; the Casiques into another; and those chosen by the Precincts into a fourth; and if the major part of any of the four estates shall vote that the law is not agreeable to this establishment, and these Fundamental Constitutions of the Government, then it shall pass no farther, but be as if it had never been proposed.

78th. The quorum of the Parliament shall be one half of those who are members, and capable of sitting in the house, that present session of Parliament. The quorum of each of the Chambers of Parliament, shall be one half of the members of that chamber.

79th. To avoid multiplicity of laws, which by degrees always change the right foundations of the original government, all acts of Parliament whatsoever, in whatsoever form passed or enacted, shall at the end of a hundred years after their enacting, respectively cease, and determine of themselves, and without any repeal, become null and void, as if no such acts or laws had ever been made.

80th. Since multiplicity of comments, as well as of laws, have great conveniences, and serve only to obscure and perplex; all manner of mments and expositions, on any part of these Fundamental Constitu-ns, or on any part of the common or statute laws of Carolina, are solutely prohibited.

81st. There shall be a registry in every precinct, wherein shall be en-lled all deeds, leases, judgments, mortgages, and other conveyances, nich may concern any of the lands within the said precinct; and all such nveyances, not so entered and registered, shall not be of force against y person or party to the said contract or conveyance.

82d. No man shall be Register of any precinct, who hath not at least ree hundred acres of freehold within the said precinct.

83d. The freeholders of every precinct shall nominate three men, out which three, the Chief Justice's Court shall choose and commission e to be Register of the said precinct, whilst he shall well behave him-lf.

84th. There shall be a Registry in every Signiory, Barony and Col-y, wherein shall be recorded all the births, marriages and deaths that all happen within the respective Signiories, Baronies and Colonies.

85th. No man shall be Register of a Colony that hath not above fifty res of freehold within the said colony.

86th. The time of every one's age, that is born in Carolina, shall be ckoned from the day that his birth is entered in the registry, and not fore.

87th. No marriage shall be lawful, whatever contract and ceremony ey have used, till both the parties mutually own it, before the Register of e place where they were married, and he register it, with the names of e father and mother of each party.

88th. No man shall administer to the goods, or have a right to them, enter upon the estate of any person deceased, till his death be regis-red in the respective registry.

89th. He that does not enter in the respective registry, the birth or ath of any person that is born, or dies, in his house or ground, shall y to the said Register one shilling per week for each such neglect, ckoning from the time of each birth, or death respectively, to the time entering it in the register.

90th. In like manner, the births, marriages, and deaths of the Lords oprietors, Landgraves and Casiques, shall be registered in the Cham-rlain's Court.

91st. There shall be in every colony, one Constable, to be chosen annually by the freeholders of the colony. His estate shall be above a hundred acres of freehold within the said colony, and such subordinate officers appointed for his assistance, as the county court shall find requisite, and shall be established by the said county court. The election of the subordinate annual officers, shall be also in the freeholders of the colony.

92d. All towns incorporate, shall be governed by a Mayor, twelve Aldermen, and twentyfour of the common Council. The said common council shall be chosen by the present householders of the said town; the Aldermen shall be chosen out of the common council, and the mayor out of the aldermen, by the palatine's court.

93d. It being of great consequence to the plantation, that port towns shonld be built and preserved; therefore whosoever shall lade or unlade any commodity at any other place but a port town, shall forfeit to the Lords proprietors, for each tun, so laden or unladen, the sum of ten pounds sterling; except only such goods as the palatine's court shall license to be laden or unladen elsewhere.

94th. The first port town upon every river, shall be in a colony, and be a port town forever.

95th. No man shall be permitted to be a freeman of Carolina, or to have any estate or habitation within it, that doth not acknowledge a God, and that God is publicly and solemnly to be worshiped.

96th. (As the country comes to be sufficiently planted, and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches and the public maintenance of divines, to be employed in the exercise of religion, according to the church of England; which being the only true and orthodox, and the national religion of all the king's dominions, is so also of Carolina, and therefore it alone shall be allowed to receive public maintenance by grant of parliament.)

97th. But since the natives of that place, who will be concerned in our plantation, are utterly strangers to Christianity, whose idolatry, ignorance or mistake, gives us no right to expel or use them ill; and those who remove from other parts to plant there, will unavoidably be of different opinions, concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us on this account to keep them out; that civil peace may be obtained amidst diversity of opinions, and our agreement and compact with all men, may be duly and faithfully observed, the violation whereof, upon what pretence soever, cannot be without great offence to Almighty God, and great scandal to the true re-

ligion which we profess; and also that Jews, Heathens and other dissenters from the purity of the Christian religion, may not be scared and kept at a distance from it, but by having an opportunity of acquainting themselves with the truth and reasonableness of its doctrines, and the peaceableness and inoffensiveness of its professors, may by good usage and persuasion, and all those convincing methods of gentleness and meekness, suitable to the rules and design of the gospel, be won over to embrace, and unfeignedly receive the truth; therefore any seven or more persons agreeing in any religion, shall constitute a church or profession, to which they shall give some name, to distinguish it from others.

98th. The terms of admittance and communion with any church or profession shall be written in a book, and therein be subscribed by all the members of the said church or profession; which book shall be kept by the public Register of the Precinct wherein they reside.

99th. The time of every one's subscription and admittance, shall be dated in the said book or religious record.

100th. In the terms of communion of every church or profession, these following shall be three, without which no agreement or assembly of men, upon pretence of religion, shall be accounted a church or profession within these rules.

1st. "That there is a God."

2d. "That God is publickly to be worshipped."

3d. "That it is lawful and the duty of every man, being thereunto called by those that govern, to bear witness to truth; and that every church or profession shall in their terms of communion, set down the eternal way whereby they witness a truth as in the presence of God, whether it be by laying hands on or kissing the bible, as in the church of England, or by holding up the hand, or any other sensible way."

101st. No person above seventeen years of age, shall have any benefit or protection of the law, or be capable of any place of profit or honor, who is not a member of some church or profession, having his name recorded in some one, and but one religious record, at once.

102d. No person of any other church or profession shall disturb or molest any religious assembly.

103d. No person whatsoever, shall speak any thing in their religious assembly irreverently or seditiously of the government or governors, or of state matters.

104th. Any person subscribing the terms of communion, in the record of the said church or profession, before the precinct register and any five members of the said church or profession, shall be thereby made a member of the said church or profession.

105th. Any person, striking his own name out of any religious record, or his name being struck out by any officer thereunto authorized by such church or profession respectively, shall cease to be a member of that church or profession.

106th. No man shall use any reproachful, reviling, or abusive language against any religion of any church or profession; that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors and that profession which otherwise they might be brought to assent to.

107th. Since charity obliges us to wish well to the souls of all men, and religion ought to alter nothing in any man's civil estate or right, it shall be lawful for slaves as well as others, to enter themselves and be of what church or profession any of them shall think best, and thereof be as fully members as any freeman. But yet no slave shall hereby be exempted from that civil dominion his master hath over him, but be in all things in the same state and condition he was in before.

108th. Assemblies upon what pretence soever of religion, not observing and performing the above said rules, shall not be esteemed as churches, but unlawful meetings, and be punished as other riots.

109th. No person whatsoever shall disturb, molest, or persecute another, for his speculative opinions in religion, or his way of worship.

110th. Every freeman of Carolina, shall have absolute power and authority over his negro slaves, of what opinion or religion soever.

111th. No cause, whether civil or criminal, of any freeman, shall be tried in any court of judicature, without a jury of his peers.

112th. No person whatever, shall hold or claim any land in Carolina, by purchase or gift, or otherwise, from the natives or any other whatsoever; but merely from and under the Lords Proprietors, upon pain of forfeiture of all his estate, moveable or immoveable, and perpetual banishment.

113th. Whosoever shall possess any freehold in Carolina, upon what title or grant soever, shall at the farthest, from and after the year one thousand six hundred and eighty nine, pay yearly unto the Lords Proprietors, for each acre of land, English measure, as much fine silver as is at this present time in one English penny, or the value thereof, to be as a chief rent and acknowledgement to the Lords Proprietors, their heirs and successors forever. And it shall be lawful for the palatine's court, by their officers, at any time, to take a new survey of any man's land, not to oust him of any part of his possession, but that by such a survey,

the just number of acres he possesseth may be known, and the rent thereon due, may be paid by him.

114th. All wrecks, mines, minerals, quarries of gems and precious stones, with pearl fishing, whale fishing, and one half of all ambergris, by whomsoever found, shall wholly belong to the Lords Proprietors.

115th. All revenues and profits, belonging to the Lords Proprietors, in common, shall be divided into ten parts, whereof the palatine shall have three, and each proprietor one; but if the palatine shall govern by a deputy, the deputy shall have one of those three tenths, and the palatine the other two tenths.

116th. All inhabitants and freemen of Carolina, above seventeen years of age, and under sixty, shall be bound to bear arms, and serve as soldiers whenever the grand council shall find it necessary.

117th. A true copy of these Fundamental constitutions shall be kept in a great book, by the register of every precinct, to be subscribed before the said register. Nor shall any person of what degree or condition soever, above seventeen years old, have any estate or possession in Carolina, or protection or benefit of the law there, who hath not, before a precinct register, subscribed these fundamental constitutions in this form:

"I, A. B., do promise to bear faith, and true allegiance, to our sovereign Lord King Charles the second, his heirs and successors, and will be true and faithful to the Palatine and Lords Proprietors of Carolina, their heirs and successors; and with my utmost power, will defend them and maintain the government, according to this establishment in these fundamental Constitutions."

118th. Whatsoever alien shall in this form, before any precinct Register, subscribe these fundamental constitutions, shall be thereby naturalized.

119th. In the same manner shall every person, at his admittance into any office, subscribe these fundamental constitutions.

120th. These fundamental constitutions, in number a hundred and twenty, and every part thereof, shall be and remain, the sacred and unalterable form and rule of government of Carolina forever. Witness our hands and seals the first day of March, 1669.

RULES OF PRECEDENCY.

1st. The Lords Proprietors; the eldest in age first, and so in order.

2d. The eldest sons of the Lords Proprietors; the eldest in age first, and so in order.

3d. The Landgraves of the grand council, he that hath been longest of the grand council first, and so in order.

4th. The Casiques of the grand council; he that hath been longest of the grand council first, and so in order.

5th. The seven Commoners of the grand council, that have been longest of the grand council; he that hath been longest of the grand council first, and so in order.

6th. The younger sons of the Proprietors; the eldest first, and so in order.

7th. The Landgraves; the eldest in age first, and so in order.

8th. The seven Commoners, who next to those before mentioned have been longest of the grand council; he that hath been longest of the grand council first, and so in order.

9th. The Casiques; the eldest in age first, and so in order.

10th. The seven remaining Commoners of the grand council; he that hath been longest of the grand council first, and so in order.

11th. The male line of the Proprietors.

The rest shall be determined by the Chamberlain's Court.

[B. P. R. O. SHAFTESBURY PAPERS. BDLE 48. No. 34.]

F. O'SULLIVAN TO Ld ASHLEY. 10th SEPT^{r} 1670.

RIGHT HONO^{ble}

I writt a ℘ticuler Account of all things to yor lordsp by the Carolina by the way of Virginie I am doubtfull whether or noe they are come to yor hands, for feare of wch I have now made bold to trouble yor hono^{b} wth these lynes y^{t} you may understand in w^{t} condic̄on we are in

The cuntry proves good beyond expectac̄on aboundin in all things, as good Oake Ash Deare turkies partridges rabbitts turtle and fish, the land produceth anything that is putt into itt, for we have tryed itt wth Corne Cotton and tobacco and other provisions wch proves very well the lateness of the season considered, the Cuntry is stored wth severall pleasant fruits, as peaches strawberryes and other sorts, wee are setled att Haaway nere 20 leagues to the Norward of port Royall itt not prouveinge Accord-

inge to report, we build our towne upon a pointe of land called Albemarle pointe seated upon the River y^{t} leades in from the sea called by us Ashley River where we are afortifieing ourselves. I have made generall discoveries into the Cuntry and find itt very good and many pleasant Rivers. I cannot give a better Caracter of itt then itt deserves. We humbly thanke yor hono^{rs} y^{r} care in orderinge us provissions att virginie the shipp returned to us in good tyme for all our provissions was gone soe y^{t} wee were forst to live upon the Indeans who are very kinde to us, we hope yor hono^{r} will continew yor care over us till we are in a condic̄on to helpe ourselves, our ship is now up on her departure for Barbadoes, from whence we expect more people and fresh supplies. Wee expect from yor hono^{rs} a shipp from England wth more people, you wold doe well to grant free passage to passengers for some small tyme for many would be willing to come y^{t} are not able to pay their passage, pray send us a minister quallified according to the Church of England and an able Councellor to end controversies amongst us, and putt us into the right way of the managemen^{t} of yor Coll—— we hope now the worst is past if you please to stand by us you please to send yor instructions that the land may be laid out to the people as itt lyes y^{t} the badd and good may goe together and by y^{t} meanes the people will not inhabit att a distance and itt will prove more benficiall to yor hono^{rs}

In my last I informed yor hono^{r} y^{t} the sloope we took wth us from Barbadoes looseing us att sea fell into one of the spannish beys called Sancta Katherina where the master and mate Mr Rivers wth severall others goeinge ashore was taken by the Spanyards and sent prisoners to St Augustens where they still remane and wold have intercepted the sloope but she escaped, we sent letters one to the Fryer where they were taken the other to the Governo^{r} of St Augustens to demand them but they denied us and gott two more of our men they offered them noe Injurie but intended to wood and water and soe depart pray yor hono^{r} to take some care for the reliefe our men.

I question not but that you are senceable that John Yeomans left us att Barmudoes where we tooke one Coll sayle for our Govern^{r} I procured ther 20£ Creditt in provissions which assisted the people very much, I made bold to charge itt upon y^{r} hono^{r} to be paid to Cap: Jo: Dorrall there or his Order I am sorry to give y^{r} lordsp an Acount of the loss of the port Royall upon the Bohama Islands all being lost but the

master and two or three more soe beggin yor hono^{rs} Excuse I humbly desire yor Answer wch will be very Acceptable to

Yo^{r} faithfull servant
FLOR: O SULLIVAN

Albemarle point
Sep: ye 10. 1670.

(Endorsed)
O. SULLIVANT
to
Ld ASHLEY
10 Sept. 70

[B. P. R. O. Shaftesbury Papers. Bdle. 48. No. 33.]

H. WOODARD TO SIR JOHN YEAMANS. 10 SEPT. 1670.

Albymarle Pointe in Chyanhaw Sept. 10. 1670.

R^{t} Honble S^{r}

I could not soe well have pleaded my excuse & tardinesse in not given y^{r} Hon^{r} a particular relation by ye way of Virginia, & Barmudoes of our proceedings, & transactions, since y^{r} Hon^{rs} departure for ye Barbadoes & our settinge forward for ye Maine It being my fortune to bee gone uppon ye discovery of Chufytachygs y^{t} fruitfull Provence where ye Emper^{r} resides, in ye same juncture of time, when ye s^{d} Vessells set sayle from our Port of Chyanhaw whereuppon at my returne from Chufytachygs I understood y^{t} Mr Jones had satisfied y^{r} Hon^{r} in those particulars as for my aforesaid journie I have discovered a Conntry soe delitious, pleasant and fruitfull, y^{t} were it cultivated doubtless it would prove a second Paradize It lyes West & by Northe neerest from us. 14 days travell after ye Indian manner of marchinge. I there contracted a leauge wth ye Emp^{r} & all those Petty Cassekas betwixt us & them soe y^{t} some few weeks after my returne ye Carolina being longe in her dispatch from Virginia our Provision failes us & had not myne wth Mr Jones diligence wth some few others releved ye Gen^{ll} wants by what Provisions wee procured of the natives it had gone very hard wth us in which scursecytie of Provision wee receeved an Allarum from ye Southward by ye Indians of St Helens ye Spanish Vessells & 30 Perryangors of Spaniards & Indians intendinge to worke us what mischiefe they could (and as I conceive they haveing intelligence of our expectations of a Supply in the Carolina)

awaited at Sea to trapane our Shipp y^t^ soe depriving us of our Supply and blockin us up our necessitys increasing wee consequently must have surrendered: for wth intent ther Perryangors lay 10 leagues distance from us at the mouth of Stonowe River & there shipps of at Sea. Yet it pleased God your Ship arrived safe to us wth a mast, convenient Supply ye Enimy not being removed, & yet being sensible thereof, theire Indians being terrified at ye scaleing of some of our Great Guns And ye Spaniard as wee suppose being frustrated of his expectation of starveing us, cowardly retreated to St Augustines never attempting any thinge against us soe y^t^ at pr^st^ we have noe other news but y^t^ he hath threatened to destroy ye Indians of St Helens of Cumbohee & of Edistare y^t^ are our freinds.

Thus as to the estate of our Gen^ll^ affaires As to our family necessity I suppose Mr Jones hath made y^r^ hon^r^ fully acquainted as to my particularre wants I am more beholden to y^r^ Hon^rs^ Agent here then any thinge from ye Publicke, although I must confesse they have made hon^ble^ recōmendations of mee in there Gen^ll^ letters. I shall endeavour by ye next to send y^r^ hon^r^ some of our American raritys our troubles at pres^t^ not permittinge mee ye vacancy as to travel ye Country. It being most of my business to await in towne & to give an account of what relations the natives bring us either from ye Southward or ye Northward soe y^t^ least I might seeme to prolixe I rest my respective service presented to y^r^ Hon^r^ not forgetting my respects to Mrs Mavel Carter & the rest of y^r^ Honble family & relations

I rest y^r^ Hon^rs^ most obliged servant
HENRY WOODWARD.

To ye Right Honorable Sir Jno Yeomans Knt Baron^t^
Barbadoes

1671.

[B. P. R. O. SHAFTESBURY PAPERS. SECTION IX. BDLE 48. No. 55. P. 94.]

LORD^D^ ASHLEY TO SIR JOHN YEAMANS 18 SEPTEMBER 1671.

S^r^

I am very glad to hear that you are at Carolina, wee shall expect good successe to our new settlement w^n^ it shall be countenanced & conducted by so judiciouse & worthy a person We have therefore sent you a Commis-

sion for Governor & do rely upon you that you will be both industriouse and firme to us in ye settling ye Government wee have established * * * S^r^ I desire to heare as often as you can from you as being very much resolved to be S^r^

Y^r^ very affection^te^ F^d^ & Servant

ASHLEY

London 7ber 18th 71.

[B. P. R. O. SHAFTESBURY PAPERS. SECTION IX. BDLE 48. NO. 55. P. 100.]

LORD ASHLEY TO SIR JOHN YEAMANS 15 DECEMBER 1671.

Sr EXETER HOUSE 15 Dec 71

I hope err this you have received ye Commission wee sent you to bee Governor by ye way of Bermudos & that you will in pursuance of our Constitucons & Instrucc̄ons endeavour to accomodate things there to ye advantage & settlement of ye Plantac̄on, one maine point whereof is ye setling downe togeather in Townes. We have in favor of ye first Planters altered our minde about ye^e^ Port Towne on ye River Ashley as you will finde by our generall letter * * * I looke upon you as my friend & therefore expect you should beare plaine dealing from me in private wch is this that though wee had resolved to make you Governor yett you were making y^r^ selfe by ye people a little too quicke I begge that you would trust me when I assure you y^t^ a man of y^r^ abilitys doth not need nor will finde any other way successfull but y^t^ direct one of serving us & endeavouring ye good of ye Plantac̄on

I am glad to heare soe many considerable men come from ye Barbados for wee finde by deare experience y^t^ noe other are able to make a Plantac̄on but such as are in condition to stock & furnish themselves ye rest serve only to fill up numbers & live upon us & therefor now we have a competent number untill we are better stocked with provisions I am not very fond of more company unless they be substantiall men. * * *

I am Sr Your very humble Servt

ASHLEY.

15 Dec. 71.

[B. P. R. O. SHAFTESBURY PAPERS. SECTION IX. BUNDLE. 48. No. 55. P. 105.]

LORD ASHLEY TO JOSEPH WEST 16 DECEMBER 1671.

EXETER HOUSE 16 Dec 71

Mr West

Yo^r letters I have received and am abundantly satisfyed in all that I doubted of before wch I had not done had you sooner given us an account of y^r management of our affaires there Wherein I finde you have been a very honest man to us.

You ought not to be dissatisfyed to finde another man made Governor it was noe personall dislike or disrespect of you that occasioned it but the nature of our Governm^t wch required that a Landgrave should be preferr'd to any Commoner soe that any body else as well as you must have given place to Sir John Yeamans but as our opinion of your discretion vigilancy & fidelity is not hereby at all lessened soe I am confident neither will y^r care and concernm^t for our publique or private affairs there slacken in ye least I look upon you as one who doe in earnest minde ye interest & prosperity of our Settlem^t wherein you will be sure to meete wth my kindnesse & such encouragem^ts from mee as will assure you y^t I am

Your very affectionate F^d

ASHLEY

[B. P. R. O. COLONIAL ENTRY BOOK. VOL. 20. P. 77.]

COMMISSION FOR SURVEYOR GENERAL 30 DEC. 1671.

Lord John Berkeley Palatin of Carolina and the rest of the Lords Proprietors of Carolina.

To our Trusty and welbeloved John Culpeper gent: Greeting

Be it knowne unto all men that we the Lords and absolute Proprietors of Carolina for divers good causes & consideracons, but more especially out of the trust & confidence reposed in the said John Culpeper for the faithfull and skilfull management of the Office of Surveyor Generall of all that territory or part of our Province of Carolina which lyes to the Southward and Westward of Cape Carteret with full power and

authority to act and doe all those things, which by our Fundamental Constitutions Temporary laws, or Instructions, our Surveyor generall may or ought to doe. In witness whereof we have hereunto set our hands and seals this 30 Day of Dec: 1671.

CRAVEN
ASHLEY
G. CARTERET
P. COLLETON

1672.

[B. P. R. O. Shaftesbury Papers. Section IX. Bdle. 48. No. 89.]

EARL OF SHAFTESBURY TO SIR JOHN YEAMANS 20 JUNE 1672.

Exet^r^ House 20th June 1672.

By the last acc^t^ that came hither from Carolina, I find y^t^ you were not received there with such Gener^ll^ Satisfaction nor so forwardly admitted to the Governm^t^ we intended you, as perhaps was Imagined. I am sorry to find any Differences at all among you, the Causes whereof I shall not inquire into. But shall advise you as my friend not to make use of the Governm^t^ we have put into y^r^ Hands, to Revenge yourself on any who have spoke theire apprehentions wth that ffreedom, which must be allowd, men in a Country wherein they are not designed to be oppress'd and where they may Justly expect equall Justice & protection.

I have too great a value for your condition and Ability not to desire continuance of a right understanding between us; and therefore I must take the Liberty, to deale ffreely wth you in a Matter wherein we are both concerned, and tell you plainly that I cannot avoid thinking that the Suspitions of those men who have express'd some feare of y^r^ Managem^t^ of ye Government, had some ground; Since your too forward Grasping at the Governm^t^ when you came first thither, and your endeavours since to diminish the Authority of o^er^ particular Deputys who are our representatives and invested there, with all our Power, hath given us even at this distance some umbrage, 'Tis in your power to sett all right, I Know you have Dexterity enough to do it. You are now upon foundations of a larger extent then are usuall, and perhaps then in other places you have

met with, and if you will but suite the Mannagem^{t} of your Gouvernm^{t} to them, and Direct it Wholy to the impartiall prosperity of the Whole Plantation and all the Planters in it, you will remove the jealousies which I must tell you some of the Plantation have conceived of you, you will oblige the L^{ds} Propriet^{rs} and reap all those advantages which are sure to attend him who is the greatest and most considerable man in a thriving Plantation, and who hath contributed much to the advancem^{t} thereof.

For my own part, I assure you that having set my mind on carrying on this Plantation and engaged my word that the people shall live safe there under the Protection of a faire and equall Governm^{t} upon Confidence whereof most of the Planters have come thither. I shall think myself extreemly injured by any one who shall put such an affront on me, as to make those who trusted me, be deceived, and I am resolved at any rate rigourously to require Satisfaction of any one who by any undue proceedings shall discompose the quiet of this Settlement. On the other side I shall be as ready to acknowledge to any one whatever kindness they shall doe or assistance they shall give to this plantation. I the more frankly make this declaration to you Sr John because you have already contributed much, and are like to doe more to the growth, and increase of this Plate^{n} where you have a considerable and growing interest, which ought to make you have ye same concernm^{t} for it that I have.

I return you my thanks for the fforward inclination you have shewne to Carolina, and tell you more over that you have it in your hand by endeavouring the Publick good of it to make me your friend as much and as long as you please, I am

Your very affectionate Friend

SHAFFTESBURY.

To Sr John Yeamans.

[B. P. R. O. Shaftesbury Papers. Section IX. Bundle 48. p. 112.]

EARL OF SHAFTESBURY TO JOS. WEST & THE REST OF THE COUNCIL 20 JUNE 1672

To Mr West & ye rest of ye Councell

Exeter House this 20th June 1672

Yo^{r} late mannagement of ye affaires of ye Plantation have binn wth soe much prudence that I cannot but returne you my particuler thanks & tell yo^{u} that whilst yo^{u} continue to be careful of ye common good of ye place wch is yor owne interest yo^{u} shall alwayes have me ready to countenance

& assist yo^{u} in it & to study ye good of those men who shall endeavour to signalize themselves that way. To keep to ye rules of o^{r} establishment it hath binn necessary for us to take ye government out of Mr West's hands in wch it hath thriven very well to put it into that only Landgraves wch is upon the place But I am very sorry to finde that Sr John Yeamans is not a man soe acceptable to ye whole plantation as I could wish I know how hard it is for jealousys to be removed & factions united when once begunn though amongst men (as it often happens) otherwise discreet & worthy. That therefore this may not prejudice the affaires of o^{r} plantation & the animositys that may arise from hence disturb the quiet wch is necessary to an infant settlem^{t} Wee shall endeavour to finde out as soone as we cann a man to be Governo^{r} who besides other qualifications fit for that employment may alsoe have this necessary one of being indifferent to ye whole plantation disinterrested from all divisions in it & a man not suspected or disgusted by any of the Planters. This though I have a very great respect for Sr John & noe other exception to him I see will be unavoidable for us to doe to preserve that unity & good understanding in ye Plantation that is necessary In ye meane time I recomend it to yor care (whose prudence & integrity we already have had experience of) to keepe unbiassed to those rules yo^{u} will finde in o^{r} fundamentall Constitutions Temporary Laws & instructions & perticulerly o^{r} Deputyes are to remember that they represent o^{r} persons & therefore they ought not to deminish o^{r} right by makeing themselves but cyphers & submitting too much to ye will of any Governo^{r} nay of Sr Peter Colleton himselfe or any of ye Lds. Propriet^{rs} should come upon ye place o^{r} deputys ought to maintaine o^{r} authority & share in ye government according to ye fundamentall Constitucons wch wee have to that purpose put into their hands Haveing binn soe carefull to balance one anoth^{rs} power to prevent ye ingroseing it into any one hand that ye Palatine himselfe & soe his Deputy ye Governo^{r} hath but his limitted proportion of it suited to ye dispatch of affaires beyound wch we never intended nor are o^{r} Deputys to suffer it to extend This I am sure whilst yo^{u} keep to those rules we have established the Plantation will thrive & every one in it if it be not his owne faulte be in a prosperous & safe condition. I recommend therefore yor owne good & interest to yor owne care wherein I am sure to stand by yo^{u} I very much applaud yor faire dealing wth us in respect of o^{r} stores & debt This regard to o^{r} concernments will encourage us to take all manner of care of yo^{u} I thinke myselfe particulerly obliged by it & am

Yo^{r} very affectionate friend

SHAFTESBURY

EXTRACTS FROM THE JOURNAL OF WILLIAM EDMUNDSON UNDER THE YEARS 1671–72.

[Reprinted from the Friends' Library, Vol. II, p. 111.]

"Afterwards, it being upon me, I travelled to Carolina, and two Friends accompanied me, it being all wilderness and no English inhabitants or path-ways, but some marked trees to guide people. The first day's journey we did pretty well, and lay that night in the woods, as we often used to do in those parts. The next day being wet weather we were sorely foiled in swamps and rivers, and one of the two who were with me for a guide, was at a stand to know which way the place lay we were to go to. I perceiving that he was at a loss, turned my mind to the Lord, and as he led me, I led the way. So we travelled in many difficulties until about sun-set; then they told me they could travel no farther; for they both fainted, being weak-spirited men. I bid them stay there, and kindle a fire, and I would ride a little farther, for I saw a bright horizon appear through the woods, which travellers take as a mark of some plantation. I rode on to it, and found it was only tall timber trees without underwood. But I perceived a small path, which I followed until it was very dark, and rained violently; then I alighted and set my back to a tree, until the rain abated. It being dark, and the woods thick, I walked all night between two trees; and though very weary, I durst not lie down on the ground, for my clothes were wet to my skin. I had eaten little or nothing that day, neither had I anything to refresh me but the Lord. In the morning I returned to seek my two companions, and found them lying by a great fire of wood. I told them how I had fared; and he that should have been the guide, would have persuaded me that we were gone past the place where we intended; but my mind drew to the path which I had found the night before. So I led the way, and that path brought us to the place where we intended, viz: Henry Phillip's house by Albemarle river.

"He and his wife had been convinced of the truth in New England, and came here to live; and not having seen a Friend for seven years before, they wept for joy to see us. It being on a first-day morning when we got there, although I was weary and faint and my clothes wet, I desired them to send to the people thereaway to come to a meeting about the middle of the day, and I would lie down upon a bed, and if I slept

too long, that they should awake me. Now about the hour appointed many people came, but they had little or no religion, for they came and sat down in the meeting smoking their pipes. In a little time the Lord's testimony arose in the authority of His power, and their hearts being reached by it, several of them were tendered and received the testimony. After meeting they desired me to stay with them, and let them have more meetings.

"One Tems, a justice of the peace, and his wife were at the meeting, who received the truth with gladness, and desired to have the next meeting at their house, about three miles off, on the other side of the water; so we had a meeting there the next day, and a blessed time it was; for several were tendered with a sense of the power of God, received the truth and abode in it.

"1672. I could stay no longer with them at that time, for I had appointed a man's meeting in Virginia, to be on the fifth-day of that week; things being much out of order among them. I therefore took my leave of them in the love of God, and began my journey on third-day morning, with my two fellow travellers."

EXTRACT FROM THE JOURNAL OF GEORGE FOX FOR THE YEAR 1672.

[Reprinted from Pages 458 and 459 of the Edition Published at Friends' Book Store, Philadelphia.]

"After this, [eighth day of the ninth month] our way to Carolina grew worse, being much of it plashy, and pretty full of great bogs and swamps; so that we were commonly wet to the knees, and lay abroad a-nights in the woods by a fire: saving one of the nights we got to a poor house at Sommertown, and lay by the fire. The woman of the house had a sense of God upon her. The report of our travel had reached thither, and drawn some that lived beyond Sommertown to that house, in expectation to have seen and heard us; but they missed us.

"Next day, the twenty-first of the ninth month, having travelled hard through the woods and over many bogs and swamps, we reached Bonner's Creek; there we lay that night by the fire-side, the woman lending us a mat to lie on.

"This was the first house we came to in Carolina: here we left our horses, over-wearied with travel. From hence we went down the creek

in a canoe to Macocomocock River, and came to Hugh Smith's, where people of other professions came to see us (no Friends inhabiting that part of the country) and many of them received us gladly. Among others came Nathaniel Batts, who had been governor of Roan-oak. He went by the name of captain Batts, and had been a rude, desperate man. He asked me about a woman in Cumberland, who, he said, he was told, had been healed by our prayers and laying on of hands, after she had been long sick, and given over by the physicians: he desired to know the certainty of it. I told him, we did not glory in such things, but many such things had been done by the power of Christ.

"Not far from hence we had a meeting among the people, and they were taken with the truth; blessed be the Lord! Then passing down the river Maratick in canoe, we went down the bay Connie-oak, to a captain's, who was loving to us, and lent us his boat, for we were much wetted in the canoe, the water flashing in upon us. With this boat we went to the governor's; but the water in some places was so shallow, that the boat, being loaden, could not swim; so that we put off our shoes and stockings, and waded through the water a pretty way. The governor, with his wife, received us lovingly; but a doctor there would needs dispute with us. And truly his opposing us was of good service, giving occasion to the opening of many things to the people concerning the Light and Spirit of God, which he denied to be in every one; and affirmed it was not in the Indians. Whereupon I called an Indian to us, and asked him, 'Whether or no, when he did lie, or do wrong to any one, there was not something in him, that did reprove him for it?' He said 'There was such a thing in him that did so reprove him; and he was ashamed when he had done wrong, or spoken wrong.' So we shamed the doctor before the governor and people; insomuch that the poor man ran out so far that at length he would not own the Scriptures. We tarried at the governor's that night; and next morning he very courteously walked with us himself about two miles through the woods, to a place whither he had sent our boat about to meet us. Taking leave of him, we entered our boat, and went about thirty miles to Joseph Scot's, one of the representatives of the country. There we had a sound, precious meeting; the people were tender, and much desired after meetings. Wherefore at a house about four miles further, we had another meeting; to which the governor's secretary came, who was chief secretary of the province, and had been formerly convinced.

"I went from this place among the Indians, and spoke to them by an interpreter, shewing them, 'That God made all things in six days, and

made but one woman for one man; and that God did drown the old world because of their wickedness. Afterwards I spoke to them concerning Christ, shewing them, that he died for all men, for their sins, as well as for others; and had enlightened them as well as others; and that if they did that which was evil he would burn them; but if they did well they should not be burned.' There was among them their young king and others of their chief men, who seemed to receive kindly what I said to them.

"Having visited the north part of Carolina, and made a little entrance for the truth among the people there, we began to return again towards Virginia, having several meetings in our way, wherein we had good service for the Lord, the people being generally tender and open; blessed be the Lord! We lay one night at the secretary's, to which we had much ado to get; for the water being shallow, we could not bring our boat to shore. But the secretary's wife, seeing our strait, came herself in a canoe, her husband being from home, and brought us to land. By next morning our boat was sunk, and full of water; but we got her up, mended her, and went away in her that day about twenty-four miles, the water being rough, and the winds high: but the great power of God was seen, in carrying us safe in that rotten boat. In our return we had a very precious meeting at Hugh Smith's; praised be the Lord forever! The people were very tender, and very good service we had amongst them. There was at this meeting an Indian captain, who was very loving; and acknowledged it to be truth that was spoken. There was also one of the Indian priests, whom they call Pauwaw, who sat soberly among the people. The ninth of the tenth month we got back to Bonner's Creek, where we had left our horses; having spent about eighteen days in north of Carolina."

1673.

[B. P. R. O. Shaftesbury Papers. Bdle 48. No. 92.]

ALBEMARLE. ACTS OF P^{t} SENT INCLOSED IN A LETTER OF NOV. 10. '73.

Act the first to prevent intruding into just claimes of land.

To prevent any prejudice which may accrue to the Inhabitants of this County by the incroachinge into the lands which other men have rights

to hold the same by as soone as conveniency may serve to survey and patent the same according to the Lords instructions, Be it therefore enacted by the Pallatine and the rest of the Lords Proprietors to and with the advice and consent of the Grand Assembly that every inhabitant of this County shall be allowed the priviledge to have the first survey of the land he liveth on and layeth claime to adjoyninge to him having rights to lay upon it sufficient to hold the same and the first Seater to have the priviledge of the first survey Provided he claime no more then he can make rights appeare fore Nor exceed their first knowne claime where with consent (for neighbourhood or otherwise) any People have seated downe together.

Act 2nd For encouragement of Owners of Vessels livinge in the County

For encouragement of Owners of Vessells who are Inhabitants and traders in the County of Albemarle Be it Enacted by the Pallatine and the rest of the Lords Proprietors by and with the advice and consent of the Grand Assembly. That all Persons whatsoever livinge in this County haveinge Vessells tradeinge to and from the same shall pay but fifty pounds of tobacco for enteringe and clearinge such Vessells of what burthen soever if decked at each turne he shall so enter and cleare. But those who trade in open boats of what content soever to pay nothinge but the certifieinge the authority of the place of their comeinge and goeinge

Act the 3rd To repeale a former Act

Whereas the fifty fourth Act made by the Assembly Aprill the eighteenth 1672 prohibitinge rum to be sold at above twenty five pounds of Tobacco ℔ gallon may prove prejuditiall to the Inhabitants of this County by retardeinge Merchants & dealers who with that commodities & others more benefitiall for the counties use may be hindred & diverted from bringeinge the more benefitiall commodities because they are prohibited of makeinge their profit of their Rum aforsaid Be it therefore Enacted by the Pallatine & the rest of the Lords Propᵣˢ by and with the advice & consent of yᵉ Grand Assembly That the said fifty fourth Act (concerneinge rum) be henceforth repealled Null & void.

Act the fourth Concerninge Wild Cattle

For prevention of uninterested persons in hunting & killing wild or outlyinge Cattle on any neck of land within this County Be it therefore Enacted by the Pallatine and the rest of the Lords Propᵣˢ by & with

the advice & consent of the Grande Assembly That no person or persons whatsoever who can lay noe just claime to any wild or outlyinge cattle on any neck of land in this County shall have any priviledge to hunt range for or kill any wild or outlyinge cattle on such land, unlesse impowered by such who have And be it further Enacted by the authority aforesaid, That it may and shall be lawfull for any person whatsoever to hunt for & kill wild or outlyinge Cattle ou any neck of land where he hath such wild or outlyinge Cattle Provided he kill no more then he can probably lay claime to, on such land and haveinge killed such proportion as he hath probably made appeare to belonge to him, then such person to desist And for the better knowledge of every man's particular claime to such cattle It is further thought convenient That all those who claime any Title to wild Cattle on any Neck appoynt a meetinge amonge themselves to declare & with all probabilitie possible make appeare to each other the quantitie they have out which beinge agreed on amongst themselves each interested person to kill giveinge an account justly what he killeth to the rest who have interest.

1674.

[B. P. R. O. Colonial Entry Book. Vol. 20. p. 93.]

Whitehall 18th May 1674.

Wee have herewith sent a Patent to Mr West to be Landgrave and a Comission to be Governor who hath all along by his care, fidellity and prudence in the management of our affaires, to our generall satisfaction recommended himself to us as the fittest man there for this trust. This we cannot forbare plainely to say though wee have a great Regard to Sir John Yeamans as a considerable man that hath come and setled amongst us when Mr West had formerly the management of afaires, things were then puting into such a posture (as appears by the Act of Parliament made att the latter end of his Government which we herewith send you confirmed) That wee had some encouragement to send supplies to men who took into their consideration how wee might be reimbursed as well as they could which was all wee expected but immediately with Sir Johns asumeing the Government the face of things alltered the first newes was of severall proposalls for the increaseing our charge, the same still hath ever since continued on, and in your verry last Dispatches a Scheme

sent to us of wayes of suplying youe which would presently require the disbursement of severall thousand pounds and all this without the least mention of any thought how wee might be repaid either our past debts which allready amounts to severall thousand pounds or be better answered for the future. But instead thereof complaints made and reproaches insinuated as if wee had dealt ill and unjustly with you, because wee would not continue to feed and cloath you on without expeetation or demand of any Returns this wee must let you know put a stop to your supplys more than the Dutch Warr, for wee thought it time to give of a charge which was like to have no end and the Country was not worth the haveing at that rate, for itt must be a bad soyle that would not mainetaine industrious people or we must be verry silly that would mainetaine the idle but wee have no suspition att all of the barrennesse or any other ill qualities of the Country which some of us are soe well assured of that at theire own private charge they are going to setle a plantation at Edistow without expecting a farthing assistanee from us. That Sir John Yeamans management hath brought things to this pass wee are well Satisfied which yett wee cannot charge upon his mistake, the Caracter which wee have received of him and his long acquaintance with Barbados and the world gives us our thoughts of him and perhaps it would very well have Secured his purpose if wee had Supplyed you and he reaped the profits of your labour att his own Rates and our own plantation Soe ordered that in Reputation people and Improvement itt might arive att noe other pitch then to be Subservient in ℔visions and Timbr to the Interest of Barbados. Consider at which Rates Sir John bought our poore planters provitions in theire necessity and how industrions and usefull to you the generallity of the people that came from Barbados have been and then tell us whether wee have not reason to be of this minde For wee would not have those who went from hence (whom wee are Still willing to encourage bee any longer mislead and the people that have come to you from New York and the Northward have by their planting and way of living amongst you fully Satisfied us that they are Friends to and doe in earnest meane and desire the Settlement and prosperity of our Province, being therefore willing to give all reasonable incouragement to honest and industrious men we have sent another supply of Cloathes for cloathes and tooles and have entered into engagement one to another to Send yearly to yone whereby our stores shall never want necessaries for the use of the industrious planters to be had att moderate Rates, by those that will pay for them, yett wee doe not intend any more carelessly to throw away our stock and charges upon the Idle for though wee the Lords Proprietors have tyed one another by covenant that none Shall bee

behinde others in the Charge of carrying on this plantation yett wee are all greed not to make any more desperate Debts amongst you though wee intend to be at charge in procureing vines olives or any other usefull plants or commodities fit for the Climate out of any part of the world and men Skilled in the management of them and therefore if you intend to have Suplyes for the future you will doe well to consider how you will pay us, in what comodities you can best do it and how the Trade of those Comodities you can best procure may bee soe managed as to turn to account for in our trade with you we ayme not att the profit of merchant but the incouragement of landlords In your letters you have been frequent in the mention of a Stock of Cattle, you say it will enable you to pay your Debts but do you not think if wee bring cattle thither wee who doe not want ground cannot keep them & make the profitt of our charge and Venture as well as others especially it being our designe to have Planters there and not Graziers for if our Intentions were to stock Carolina att that Rate wee could doe better by Baylife and Servants of our own, who would be more observant of our orders than you have been, plant in Townes where we direct Take up noe more lands than what they had use for nor by a scattered Settlement and large Tracts of ground taken up and not like to bee planted these many years exclude other from coming neare them and yet complaine for want of Neighbours, we rest,

your very affectionate friends
CRAVEN.
SHAFTESBURY.
G. CARTERET.

1675.

[B. P. R. O. Colonial Entry Book. Vol. 97. p. 7.]

ORDER ESTABLISHING THE COMMITTEE FOR TRADE AND FOREIGN PLANTATIONS.

At the Court of Whitehall the 12th of March 1674–5.

Present.

Lord Keeper
Earl of Bridgwater
Earl of Craven
Earl of Carbry
Lord Mainard
Lord Berkeley.
Mr Secretary Williamson.

The Right Honourable the Lord Keeper of the Great Seale of England this day acquainted the Board of His Majesty's Command, that His Majesty having been pleased to disolve and extinguish his late Councill of Trade and Forreign Plantations whereby all matters under their cognizance are left loose and at large, had thought fit to commit what was under their inspection and Mannagement to the Committee of this Board appointed for matters relating to Trade and His Forreign Plantations viz. The Lord Chancellor, the Lord Treasurer, Lord Privy Seale, Duke of Lauderdale, Duke of Ormond, Marquis of Worcester, Earle of Ossory, Lord Chamberlain, Earle of Bridgwater, Earle of Essex, Earle of Carlile, Earle of Craven, Viscount Fauconbery, Viscount Halifax, Lord Berkeley, Lord Holles, Mr Vicechamberlain, Mr Secretary Coventry, Mr Secretary Williamson, Mr Chancellor of the Exchequer, Mr Chancellor of the Dutchy, and Mr Speaker, and did particularly order that the Lord Privy Seale, the Earle of Bridgwater, Earle of Carlisle, Earle of Craven, Viscount Fauconbery, Viscount Halifax, Lord Berkeley, Mr Vicechamberlain, and Mr Chancellor of the Exchequer should have the immediate care and Intendency of those Affaires in regard they had been formerly conversant and acquainted therewith and therefore that any five of the last named Lords should be a quorum of the said Committee, and that their Lordships meet constantly at least once a weeke, and make report to His Majesty in Council of their Results & Proceedings from time to time and that they have power to send for all Bookes, Papers and other writings concerning any of his Majesty's said Plantations in whosesover custody they shall bee informed the same doe remayne, and his Lordship further signified his Majesty's Pleasure, that Sir Robert Southwell doe constantly attend the said committee.

JOHN NICHOLAS.

In pursuance whereof their Lordships on the 11th of August 1675 signed a circular letter to the Governors of his Majesty's Plantations viz.

CIRCULAR LETTER.

After our very hearty commendations to you His Majesty having in his wisdome thonght fit to supercede the Commission by which His Councill of Trade and Plantations lately acted, and thereby restoring all the business of that nature to its accustomed Channel of a Comittee of His Privy Council. And His Majesty having more especially committed to a select number of the Boord, whereof Wee are, the care and management of things relating to His Plantations. Wee have therefore thought

it convenient to give you advertisement thereof, and as wee are by His Majesty's command possest of all the Books and papers of proceedings of the said Council, so that wee may bee able to carry on our observations, and Knowledge of what concerns (that Island or Plantation) and bee still in a capacity to give His Majesty an Account of the same. Wee shall expect from you a clear and full accompt in writing of the Estate and condition in which you found and entred upon (that Island or Plantation) as to the description of the Country and Commodities thereof, the Laws and Rules of Government. The Officers civill and ecclesiasticall and Military. His Majesty's Revenue, the effective force of His Majesty's pay, the number of Planters and People, and how many of them are men able to bare arms, the way of trade carryed on both outward and inward and in the Country. The condition of the neighboring Countries and Places and upon what Terms you live with each other, And generally of all things which you in your discretion whom his Majesty hath trusted with a place of that importance shall judge necessary for our full information. And alsoe Wee pray and require of you to transmit unto us a Journal of all things which have passed since your arrivall there, and from tyme to tyme of what shall occurre for the future in relation to and upon the distinct heads aforesaid. And soe not doubting of your care to advise us in all things that may conduce to His Majesty's service and our better discharge of the Trust reposed in us, wee bid you very heartily farewell

Your very loving Friends.

From the Court at
Whitehall the 11th day
of August 1675.

[B. P. R. O. Colonial Entry Book. Vol. 97. p. 1.]

AN ACCOUNT OF HIS MAJESTY'S PLANTATIONS IN AMERICA.

(1675)

His Majesty's Forreign Plantations in America are govern'd either by Proprietors, Corporations, Companies or by Governours immediately appointed by His Majesty.

The Plantations governed by Proprietors are

New Yorke belonging to His Royal Highness

New Jersey belonging to Sir George Cartwright and others.

Maryland belonging to the Lord Baltimore.

Carolina under which is also comprehended the Lucaii and Bahama Islands belonging to the Duke of Albemarle, Earl of Shaftesbury and other Lords and Gentlemen.

The Corporations contained within the bounds of New England are

The Colony of Rhode Island & Providence Plantations.

The Colony of Conecticut

The Colony of New Plimouth

The Colony of the Massachusets Bay under which is at present comprehended

The Province of Maine and New Hampshire, and other small Colonies adjoining the first claimed by Mr Gorges, the latter by Mr Mason.

The Plantations governed by Companies residing in England, are

The Colonies and Factories setled in Prince Rupert's Land and Hudsons Bay.

The Bermudos otherwise called the Summer Islands.

The Plantations governed by His Majesty's immediate Commissions, are

Virginia and the Province of Accomack

The Island of Jamaica

The Charibee Islands divided into two parts viz

The Windward and Leeward Islands

The Windward Islands are

Barbados and other uninhabited Islands.

The Leeward Islands, are,

St Christophers

Nevis

Monterat

Antego

Auguilla and other uninhabited Islands.

There is besides a Colony of English, setled upon the eastern coast of Newfoundland without Government Eclesiastical or Civill, who live by catching fish. All these Plantations are governed either by the Laws of England, or by Municipal Laws, not repugnant to those of England.

The Trade of the Plantations is, by several Acts of Parliament, confined to England; whereby no sugar, tobaco, Cotton-wool, indico, Ginger, Fustick or other dying-wood of the growth or manufacture of the Plantations may be transported from thence to any other place than

England, nor any European Commodities be carried thither but what shall be shipped in England.

The Religion of the church of England is most practised in the Plantations; but liberty of conscience is in all places allowed, except in New England, where the government and discipline of Congregational Churches exclude all others.

1676.

EXTRACTS FROM THE JOURNAL OF WILLIAM EDMUNDSON'S SECOND VISIT TO CAROLINA.

[Reprinted from "The Friends Library," Vol. II, pages 123 and 124.]

"I was moved of the Lord to go to Carolina, and it was perillous travelling, for the Indians were not yet subdued, but did mischief and murdered several. They haunted much in the wilderness between Virginia and Carolina, so that scarce any durst travel that way unarmed. Friends endeavored to dissuade me from going, telling of several who were murdered. I considered, that if I should fall by the hands of those murderers, many thereby would take occasion to speak against truth and Friends; so I delayed some time, thinking the Lord might remove it from me, but it remained still with me.

* * * * * * * *

"The next day I made ready for my journey, but none ventured to go with me, save one ancient man, a Friend. We took our journey through the wilderness, and in two days came well to Carolina, first to James Hall's house, who went from Ireland to Virginia with his family. His wife died there, and he had married the widow Phillips at Carolina, and lived there; but he had not heard that I was in those parts of the world. When I came into the house, I saw only a woman servant; I asked for her master. She said he was sick. I asked for her mistress, she said she was gone abroad. I bid her show me the room where her master lay; so I went into the room, where he was laid on the bed, sick of an ague with his face to the wall. I called him by his name, and said no more; he turned himself, and looked earnestly at me a pretty time,

and was amazed; at last he asked if that was William? I said yes. He said he was affrighted, for he thought it had been my spirit; so he presently got up, and the ague left him, and did not return. He travelled with me the next day, and kept me company whilst I stayed in that part.

"On the first-day following, the appointed a meeting on the other side of Albemarle river, where the men and women had been convinced when I was there formerly; but when we came the man told us his wife was just dying, and it would not be convenient at that time to have the meeting there. So we ordered the meeting to be about a mile from thence, at one Tems's house, a justice of the peace, who with his wife, was convinced, and received the truth when I was in that country before. There we had a full precious meeting, but after we had gone from the house where the dying woman lay, she came to her senses, and her husband told her of the meeting, and of me; she said she remembered me well, and the words I spoke when I was there several years before, were as fresh in her memory, as if she heard me speak them just then; and said it had been happy for her that day, if she had lived accordingly. She died before our meeting was done, so that I could not speak with her. I had several precious meetings in that colony, and several turned to the Lord. People were tender and loving, and there was no room for the priests, for Friends were finely settled, and I left things well among them. When I was clear of that service, we returned to Virginia, safe under the Lord's protection; praises to his name for evermore!"

NOTE.—No date is given except that the whole tour in the Barbadoes, America, &c., is said to have been from 1675 to 1677; but a reference to Bacon's Rebellion seems to fix the date of this second visit to Albemarle in the year 1676.—ED.

[B. P. R. O. COLONIAL ENTRY BOOK No. 96. P. 69.]

AT THE COURT AT WHITEHALL 3rd OF MAY 1676.

Present
The King's most excellent Majesty

The form of the Oath to be taken by the respective Governors of His Maj. Plantations as followeth:—

You shall swear that you will to the best of your skill and power so long as you shall continue Governor of this Plantation well and truly

execute and perform all matters and things which by the Statutes made in the 12th and 15th years of His now Maj. reign you are required (as Govr of this Plantation) to be sworn to the performance of, So help you God

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[B. P. R. O. Col: Ent: Book. No. 20. p. 111.]

October 21st 1676.

Gentlemen,

Wee have received your two Letters the one of the 17th November 1675 the other of the 28th March last per hands of Mr Thomas Miller; and doe in the first place assure you; that wee neither have nor ever will parte with the County of Albemarle to any person whatsoever But will alwayse maintaine our province of Carolina entire as itt is. The Reasons that induce us to this resolution are such that wee mayntaine and preserve you in the English Rights and Liberties and in the next place your scituation beinge contiguous to Virginia is of great importance to us for the well plantinge of the rest of our province which wee expected should have had longe since a better progress with you; and that the Rivers of Phampleco and Newse should should have bin before this welplanted and a way and Intercource by Land should have bine discovered between you and our Plantation on Ashley River, and the neglect of these two has bine the Cause that heitherto wee have had noe more Reguard for you as lookinge upon you as a people that neither understood your own nor regarded our Interests. But some of us discourseinge with Mr Eastchurch your speaker, who is now come over to us and Mr Miller that Brought your letters they have fully sattisfied us that the fault was not in you but in those persons into whose hands wee had committed the Government and that severall of you that had made attempts and undertakings for the discovery of a way by land to the plantation on Ashley River as alsoe to plant more southward upon those rivers of Pamphleco Newse were with great Violence and Injustice deprived of any power to proceed any further in such worthy undertakeings and some of you that were planted on the South side of Albemarle River were commanded back to your great prejudice and inconvenience.

Wee doe alsoe further acquainte you that wee are very well pleased and sattisfied with your proceedure with Lieutenant Colonel Jenkins and your Order and settlement of the Councell and Government untill you heard further from us who observe to our great sattisfaction that in all your

proceedings you maintaine the due Respect to us and regard to faire Justice among yourselves, But wee must blame you and utterly disallow and disapprove of your sending Mr Thomas Miller or any person whatsoever to be tried in Verginia or on of your owne Precincts which is a prejudice to the power and authority wee derive from his Majestie's Grant But however for what is past wee cannot reflect on you when wee consider the conjunction of time and the apprehensions you had of Sir Wm Berkeley's being sole Proprietor, and upon this occation wee thinke fitt to mind you that wee utterly dislike tryinge and condemninge any person either in Criminall or Civill causes without a Jury and that noe evidence clandestinely taken can bee of any validdity otherwise then to cause the Criminall person to be secured where the crime is of a great nature.

Wee must further acquainte you that wee have given Instructions to our Governor and Committee that they earnestly press and reeomend to you the Settinge the South side of the river of Albemarle and that as much as may be in Townes, it being a frontier settlement which if itt be made stronge and as itt ought will be a Seeurity to you from the Ineurtions of the Indians and wee have alsoe given them further Instruetions that they cause three Townes to be settled which shall bee the porte Towns of your County of Albemarle whieh places are the first Roanoke Island which wee would have the Cheife towne and the place where the Councell assemble should meete the 2nd Towne should bee placed on the west side of the Little Rivers mouth the 3rd Towne to bee upon the neek of land betweene Salmon Creeke and Morratocke River, these three Townes to bee the onely places where the Shipps shall lade and unlaid and to have all other priviledges which are neeessary for the supporte of them, and upon whieh we have ordered the Government and Councell to advise with the assembly of the County more partieularly that such priviledges as may be to advanee the makinge of those plaees considerable Townes and are proper for a Grant from us may be granted by us and sueh things and priviledges as are more proper for an act of the assembly may by us and the assembly bee enacted, for wee must assure you that it is your and our Concerne very much to have some very good Towns in your Plantations for other wise you will not longe continue civillized or ever bee considerable or seeure, there being no place in the world either of there without them.

Wee are lastly to acquaint you that wee finding Mr Eastehurch your Speaker to be a gentleman of a very good family and as he seems to us a very disereet and worthy man and very much concerned for your prosperity and wellfaire and by the oppertunity of his being here well in-

structed in our desires concerning these particulars wee have mentioned to you on these Considerations wee have chosen and authorized him to bee our Governor over that part of our province which you calld Albemarle and wee have appointed severall other Gentlemen for our deputies and you the assembly are to choose as many in number as our deputies shall be to make upp the Great Councell.

Mr Thomas Miller has delivered in a paper of Complaints to us containing great oppressions and Injuryes done which wee have thought most proper to referr to the Councell and assembly upon the place and earnestly desire you will cause such justice to be done him as his cause shall require, and that you will sertifie us what proceedings you shall make in it if it shall bee soe desired. Wee rest

Your most assured friends

ALBEMARLE. CRAVEN
SHAFTESBURY. CARTERETT.
COLLETON.

By Mr Thomas Miller

To the Present Government
and Assembly of the County
of Albemarle.

[B. P. R. O. Col: Ent: Book. No. 20. p. 116.]

INSTRUCTIONS GIVEN BY US THE LORDS PROPRIETORS OF CAROLINA UNTO THE GOVERNOR AND COUNCILL OF THAT PARTE OF OUR PROVINCE CALLED ALBEMARLE.

Imprs you are to observe the rules of strict justiee friendshipp and amity with the neighbour Indians and not suffer them to have any just cause to complain of any oppression or Injustiee done them by any of the English within your Government.

Item 2dly you are to send us by the next oppertunity a true aeeount of what tribute or payment are rendered by any of our people or officers from any of the Indians and upon what account sueh tribute or payment is demanded or prove due.

Item you are to take spetiall eare that Justiee be duly administered and that the wayes to attaine it may neither be tedious, troublesome nor

chargable for men of prudence and of estates have noe reason to venture themselves in any place where liberty and property are not well secured.

Item you are not onely yourselves to administer Justice duely accordinge to the Lawes established But you are to promote and propose in the Assembly the makinge of such Lawes as may best secure the antient and native rights of Englishmen, and in particular the tryall of all Criminall Causes and matters of fact by a jury of 12. sufficient freeholders accordinge to the 69th Article in the fundamentall Constitutions.

Item wee propose to you and the Assembly to be considered whethere it were fitt to be enacted that noe man should be arrested or restrained of his Liberty untill hee had bine first lawfully summon'd to appeare or appearing shall not give sufficient security for his answering the Law with his person and abidinge such Judgement as shall be given therenpon, but in such Case his Security are to stand lyable for his appearance or renderinge his Body But for the debt or makeinge sattisfaction for the Judgements given it should alsoe be considered how far the warrant of the great Councell shall bee allowed to arrest or seize without such summons the person of any one against whome proofe of any Capitall Crime Soe that such person be brought to a speedy tryall and have the access of friends and assistance for his just defence allowed him.

Item you are to take spetiall care to prohibite all trade and commerce between the Indians and any others that are noe freeholders of our Province of Carolina.

Item wee recommend to you the setleinge of Plantations and Townes on the south side of the river of Albemarle beinge a frontier settlement more espetially requires that it bee in townes.

Item wee expressly order you that you cause to bee settled and laide one, three Townes in our County of Albemarle which are to be porte Towns and noe other and att which Townes and noe where else shall itt be lawfull for any shipps or vessells to lade or unlade as in the 93rd Article of fundamentall Constitutions The said 3 Townes are to be the first upon Roanoke Island which wee will have bee the chiefe Towne and the place for the Councell and Assembly to meete the seconde Towne must be placd on the west side of the Little Rivers mouth and the 3rd Towne must bee upon the neck of land Betweene Salmon Creeke and Morrattocke River.

Item wee earnestly recommend to you the Governor and Councill that you consider well and advisedly what priviledges, concession, orders and rules may be made and granted either by us alone under our great Seale or by us and the assembly by an act and that you propose such things to

us by your next dispatches that wee may give order concerning them as wee shall find meete.

Item you are to doe all that in you lyes to deverte the trade of our People under you with those of New England and to bringe them with a more imediate Trade with England itt beinge a certaine Beggery to our people of Albemarle if they shall buy goods at 2^{d} hand and soe much dearer then they may bee supply'd from England, and with all sell there Tobacco and other Commodities at a lower rate then they could doe in England. Besides the people of New England cannot be friends to the prosperity and Interest of our plantations which will certainly in tyme them one and render them inconsiderable.

Item in order to the Incourageinge a Trade with England and other places you are to send us an exact account of how many foot there is at Low water in your severall Inlets, what safety there is when a shipp is in and where she may doe best to unlade or take in Commodities for this has bine soe concealed and uncertainely reported here as if some persons amongst you had joyn'd with some of New England to engross that poore trade you have and Keepe you still under hatches.

Item you are to give an account what nomber of Inhabitants you have in your County and how much Tobacco they make yearely and what numbers of Cattle they have or what other Commodities they have to trade with that may Induce merchants to come theither.

Lastly you are upon all oppertunities to give us an account of how matters stand soe that wee may heare from you if possible twice and thrice a yeare.

[B. P. R. O. Col: Ent: Book. No. 20. p. 114.]

Wee the Lords Proprietors of the Province of Carrolina doe constitute, authorise and appointe you Tho: Eastchurch Esqre to be our Governor and Commander in Cheife of that parte of our Province called Albemarle, and wee doe hereby grant unto you the said Thomas Eastchurch all the powers and authorities civill and millitary which by virtue of our fundamentall constitutions a Governor and Commander in Cheife ought to have, and this to continue during our pleasure, Given under our hands and seales this 21st of November 1676.

ALBEMARLE. CRAVEN.
SHAFTESBURY. CARTERETT.
COLLETON.

[B. P. R. O. Col: Ent: Book. No. 20. p. 114.]

Wee the Lords Proprietors of the Province of Carolina doe constitute, authorize and appoint you Thomas Eastchurch Esqre to be our Governor and Commander in Cheife of all such settlements as shall bee made upon the Rivers of Pampleco and Newse within our province of Carolina, and wee doe hereby grant unto Tho: Eastchurch all powers and authorities Civil and Millitary which by vertue of our fundamentall Constitutions a Governor and Commander in Cheife ought to have and this to continue duringe our pleasure. Given under our hands and seales this 21st of November 1676.

ALBEMARLE. CRAVEN.
SHAFTESBURY. CARTERETT.
COLLITON.

1677.

[B. P. R. O. Colonial Entry Bk. No. 105. p. 81.]

AT THE COMMITTEE FOR TRADE & PLANTATIONS IN THE COUNCIL CHAMBER AT WHITEHALL TUESDAY THE 17th OF JULY 1677

Present

Lord Privy Seale.	Mr Vice Chamberlane
Duke of Ormond.	Mr Sec^ry^ Coventry
Earle of Craven	Mr Sec^ry^ Williamson
Earle of Bath	Mr Chan^r^ of ye Exchеq^r^
L^d^ B^p^ of London.	Mr Speaker.

* * * *

My Lord Bishop of London presented to the Committee a Memorial of abuses crept into the Churches of the Plantations containing nine articles which are all read as follows.

1. That the Governors Keep Parishes vacant and commission persons to officiate without orders.

Whereupon it is ordered that this abuse be represented to the several Governors of such Plantations as are under his Maties immediate jurisdiction for redress.

2. That the profits of vacant Parishes are converted by the People to their own use.

This to be redressed by the Governors

3. That Ministers are hired for time

To be likewise remedied

4. That the Ministers are ill paid.

The Governors in this particular to observe the laws of England.

5. That in Mariland and other places there is no settled maintenance for Ministers at all.

Upon which head my Lord Baltimore is called in and being acquainted with this particular a copie is to be delivered his Lo^p^ of this Article that hee may propose a measure for the support of a convenient number of Ministers against Thursday next.

And it is further agreed that this defect ought to bee supplied in all the plantations remaining under propriety and that letters bee written accordingly.

6. That in Virginia there are noe places allotted to bury the dead &c.

Which is to be signified to the Govr for redress.

7. That the Vestry exercise a power over the Ministry.

Hereupon their Lordships will consider at their next Meeting the Law of Jamaica which concerns the Vestry in reference to the Ministry.

8. That in Virginia the laws are not duly executed prohibiting Marriages to be solemnized without lawful Ministers and persons to exercise the Ministry without proofe that they are in orders.

These Laws are to bee observed in every place.

9. That noe care is taken for the passage of new Ministers.

Whereupon it is thought fit that the Gov^rs^ doe provide for the expense of transporting Ministers and other charges out of the profits arising by the vacancies.

1678.

[B. P. R. O. Colonial Papers.]

The deposition of Henry Crokly shipwright inhabitant in Redriffe saith y^t^ in ye yeare 1676 the Deponant was in Virginnia belonging to the

ship Constant of London Jacob Hayes Comand^{r} where he saw Mr Thomas Miller and some acquainted wth him att James Towne in Virginnia where the said Miller had his Tryall for treasonable words alleaged against him and was then and their acquitted from them by Sr Willm Berkeley and his Counsill after wch clearing in July following ye said Miller came publickly abord & a shore and that voyage came for England in the s^{d} ship whereof ye deponent was carpenter and further this deponent saith that after ye s^{d} Miller was cleared as afores^{d} he was often a shore in company of one John Culpeper and severall Magistrates thier in Virginnia and was never taxed furthur as to ye afores^{d} accusation by ye s^{d} Culpeper or any other person thier that ye Deponant ever heard of and further this Deponant saith not

HENRY CROKLY

decimo tertio die ffebruarii 1677
jurat cōr me
ROBT CLAYTON Mayor

1679.

[B. P. R. O. Col: Ent: Book. No. 20. p. 135.]

INSTRUCTIONS TO JOHN HEARVEY ESQ^{re} PRECIDENT AND THE COUNCELL OF THE COUNTY OF ALBEMARLE IN THE PROVINCE OF CAROLINA.

1. Wee haveing agreed upon the Modell of Government herewith sent you signed and sealled by us to be the fundamentall Constitutions and forme of Government of our Province of Carolina for ever, and not being able at present to put it fully in practice by Reason of the want of Landgraves and Cassiques, and a sufficient number of People, however intending to come as nigh it as wee can in the present state of affaiers in all the Collonys of our said Province.

2. You are therefore required as soon as conveniently you can after the receipt of these our Instructions in our names to issue out writts to the fower Precincts of the County of Albemarle requiring each of them to elect five freehoulders who are to be their representatives, to whome the

five persons chosen by us being aded, and who for the present represent the Nobillity are to be your Assembly, they haveing chosen their speaker you are in our names to requier them to elect five persons which being joyned to those five deputed by us are to be the Councell, by whose advice and consent or at least the Major parte of six of them, all being summoned, you are to Governe according to the Limitations and Instructions following observing what can at present be put in practice of our fundamentall Constitutions and forme of Government which Councell for the present is to be insteede of the Grand Councell mentioned in our fundamentall Constitutions and forme of Government, and to exercise the same power and Jurisdictions the said Grand Councell is to doe by our fundamentall Constitutions and forme of Government.

3. You are to cause all persons so chosen to sweare Alleagence to our Soveraigne Lord the King, Fidellity and submission to the Proprietors and forme of Government by them established; but in case any man for Religion's sake be not free to sweare then shall he subscribe the same in a book for that case provided which shall be deemed the same with swearing. Your selfe and the five Deputys of the respective Proprietors are to represent the Pallatines Court, and exercise the same Jurisdictions and powers that by our fundamentall Constitutions and forme of Government to that Court doth appertaine.

4. You are by and with the consent of the Councell to establish such Courts and soe many as you shall for the present think fitt for the administration of Justice till our Grand Modell of Government, can come to be put in execution.

5. You are by and with the consent of the Assembly to make such Laws as you shall from time to time finde necessary which Laws being rattifyed by you, and any three of our five Deputys, shall be in force as in that case provided in the Twelfth and other articles of our fundamentall Constitutions and forme of Government. You are as soon as conveniently you can to cause the Surveyor Generall to divide the Countrey into squares of twelve thousand acres By which wee intende not to alter any man's right but that those measures and rules that wee have agreed on in our fundamentall Constitutions and forme of Government may the sooner and easier come to be put in practice amongst you.

6. You are to take notice that wee doe grant unto all free persons that doe come to plant in Carolina before the 25th day of December, 1684 and are above the age of sixteene yeares sixty akers of land and to the said free persons for every able man servant with a good fyerlock tenn pounds of powder and twenty pounds of Bullet sixty akers and for every other sort

of servant fifty akers to his or her proper use and behoofe and to their heirs &c for ever.

7. Any person haveing transported himselfe or servants into the County to plant shall make the same appeare to yourselfe and Councell who shall thereupon issue out a warrant to the Surveyor Generall to lay him out a parsell of land according to the proportion mentioned in these our Instructions; and the Surveyor haveing done the same and the warrant with the Surveyor Generall's returne thereon being recorded and the person to whom the land is granted haveing sworne or subscribed Alleagence to our Soveraigne Lord the Kinge and fidellity and submission to the Lords Proprietors and their fundamentall Constitutions and forme of Government you are the seale for that use provided to pass this following Grant.

Sir George Carteret Knight and Barronet Vice Chamberlin of his Majesty's household one of the Lords of his Majesty's most honorable privy Councell Pallatine of Carolina and the rest of the true and absolute Lords and Proprietors of Carolina To all persons to whome these presents shall come greeting in our Lord God everlasting Know yee that wee the said Lords and absolute Proprietors according to our Instructions dated at Whitehall the 5th day of February 1678–9 remaineing upon record in the County of Albemarle in the Province aforesaide doe hereby grant unto A. B. of the said County planter a plantation containeing akers of land English measure lying and being in the precinct of A. in the County of bounded N the said land being due to the said A. B. by and for the transportation into the County of persons whose names are upon Record under this pattent to have and to houlde the said Plantation unto the said A. B. his heires and assignes for ever with priviledge of Hawking hunting fishing and fowling, with all woods and trees with what else is there growing standing and being except all mines mineralls all Quarrys of jems and Pretious Stones Yealding and paying therefore unto us and our heires and successors yearly every 29th day of September according to the English accompt one penny of lawfull English money or the value thereof for every of the said Akers to be houlden of us in free and common Soccage the first payment of the Rent to begin the 29th of September which shall be in the yeare 1684 Provided always that if the said land be not seated within one yeare after the date hereof then this pattent to be voide else to stand in full force Given at Under the Seale of the County of Albemarle this Day of Anno Domini Being the yeare of ar possession of our Province of Carolina. Witness John Harvey Esqre President and Commander in

Cheefe of our said County and our trusty and welbeloved our Councellours who have hereunto set their hands the day and yeare above saide.

8. Although by our fundamentall Constitutions wee have reserved to ourselves one penny per aker rent of all lands in Carolina Yet for as much as there are divers persons in the County of Albemarle who were possest of land there by virtue of Grants from Sir William Berkeley at one farthing per aker quitt Rent and others were possest of and had Rights to land whilst by our Instructions to our Governours of Albemarle wee reserved to ourselves but one halfe penny per aker quitt Rent, wee think it just that those persons should injoy their lands under the same quitt rents they were granted to them when by virtue of our Instructions Lands were due to them for haveing come into the Countrey themselves or brought or sent servants to plant there, Wherefore you are in our names and according to the forme in these Instructions prescribed to pass our grant to all persons at one farthing per aker quitt rent who shall desire such grants and shall make it appeare to yourselfe and our Deputies that they had grants from Sir William Berkeley under that quitt rent before the 25th day of December in the yeare of our Lord 1663 and have not forfited the same by virtue of the Act of the Parliament there by us, past and confirmed the 20th of January 1669 intituled an Act for the spedier seating of Land, and you are to pass the like Grants at one halfe penny per aker quitt rent to all persons who shall desire the same and have rights to land before the publishing these Instructions and have not forfited the same by Virtue of the Act aforesaide, but you are not in the grants of one farthing per aker nor one halfe penny per aker to allow the same time for the beginning of the payment of quitt Rent that is allowed to those who are to pay one penny per aker quitt Rent, for wee expect those who are to pay but one halfe penny per aker quitt rents, their rent shall be paid from the time they ought to have bin paide by virtue of our Instructions if the persons had, had their lands pattented as soon as it was run out for them and those who hath pattents from Sir William Berkely before the yeare of our Lord 1663 wee expect should pay the said quitt rents from the time they were to have paid them by the said pattents.

9. You are to choose some fitting place in a Collony whereon to builde the cheefe towne of Albamarle in the choice of which place you are to have regarde to health plenty and easy access, you are to endeavour to get the Parliament to raise where-withall to build a house for the meating of the Councell and Parliament in the said towne and when the said house is erected the Councell and Parliament are alwayes to sitt there

and also the Surveyors Registers and Secretarys offices are there to be kept and in no other place, and also the Court of Common please and Sessions of the peace, and you are to get the Parliament to pass an Act that noe Store shall be kept Strong drink or any goods soulde by retayle but in the said towne and you are to cause all vessels that shall come into Albemarle river there to loade and unloade as by our fundamentall Constitutions is required.

10. You the President of our said Councell are to be Commander in Cheefe of all the forces raised or to be raised in our County of Albamarle over whom you are to place officers and to cause them to be duely exercised in Armes, and to doe all other thing and things that to a Commander in Cheefe of an Army doth belong, and you are to summon the Councell to meet as often as you shall see cause and are to doe and execute all those powers and authoritys which by virtue of our fundamentall Constitutions temporary Lawes or Instructions a Governor ought to doe.

11. You are also by and with the consent of the Major parte of our Deputys to adjourne prorogue and dissolve the Parliament as to you shall seeme most convenient for the good and quiet of our County.

Given under our hands at Whitehall this 5th day of February 1678-9.

[B. P. R. O. Col: Ent: Book. No. 20. p. 131.]

Sir George Carteret Knight and Barronet Vice Chamberlin to his Majesties household and one of His Majestics most Honourable Privy Councell Pallatine and the Rest of the true and absolute Lords and Proprietors of the Province of Caroliny

Doe hereby During our Pleasures Comissionate apointe and Impower you Robt Holden to march with such men as you shall thinke convenient and are willing to goe along with you into the parts of our province of Carolina that are not already fully discovered either on this side or beyonde the Apaletean Mountaines, and wee Doe hereby Constitute and apointe you the said Robert Houlden to be Commander in cheefe over such men as from time to time shall be willing to undertake any Voyages of Discovery with you and to Exercise such powers Authorites and jurisdictions over the saide men who shall soe march with you as to a Commander in cheefe doth properly belong; hereby strictly requireing the said men to yealde Due obedience to you the

said Robert Houlden as to their Commander in Cheef; and for the better Government of the said men who shall from time to time Accompany you on any Voyages of Discovery, Wee Doe hereby impower you from time to time to Comissionate and apointe such Inferiour officers under you as to you shall seeme meet and convenient which Comissions are to take place as soon as you the said Robt Holden beginn your March and to cease upon your reenterance into the County of Albemarle; and wee doe hereby strictly Injoine all other persons of our County of Albemarle not to undertake or intermeddle in any discovery unless thereunto Comissionated by you and you are to follow such Instructions as are herewith given you and that you from time to time shall receive from us, Given under our hands and seales this 19th Day of February 1678–9

ALBEMARLE. G. CARTERET.
SHAFTSBURY. CRAVEN.
P. COLLETON.

[B. P. R. O. Col: Ent: Book. No. 20. p. 132.]

Sir George Carteret Knight and Barronet Vice Chamberline to his Majestie's household and one of his Majestie's most honourable privy Councell Pallatine and the Rest of the true and absolute Lords Proprietors of the Province of Carolina

To all whome these presents shall come greeting Know yee that wee Doe hereby (During our pleasures) constitute apointe authorize and Impower Robert Houlden for us in our names and to our uses to looke after Receive and Recover all Wrecks Ambergrice or any other Ejections of the Sea that by Virtue of his Majestie's Letters pattents doe to us apertaine or belong and if neede be to sue for and Recover the same and acquitances and other Discharges to give in our names for which he shall Receive by Virtue of these presents and to doe and act all other thing and things which we ourselves lawfully might doe, in order to the Sewing for or the Recovering the same, and Doe hereby strictly Injoine all persons whatsoever from Intermedling herein unless thereunto Comistionated or deputed by the said Robt Houlden Given under our hands and Seales this 19th Feb^{ry} 1678–9.

ALBEMARLE, G. CARTERET
SHAFTSBURY, CRAVEN.
P. COLLETON.

[B. P. R O. Col: Ent: Book. No. 20. p. 134.]

INSTRUCTIONS FOR Mr ROBERT HOLDEN.

You are as soon as conveniently you can after your Arivall in Albemarle to gether the Areares of our Quit Rents and if you Receive it in Tobacco you are to consigne the same to the Right Honourable Anthony Earle of Shaftsbury and Sir Peter Colleton for the use of the Proprietors of Carolina and the like you are to doe with all you shall receive of the Rents that shall become due.

You are alsoe to consigne to the said Earle of Shaftsbury and Sir Peter Colleton for our uses all that you shall gett of any wrecks, ambergrice or other ejections of the sea.

You are from time to time to give an accompt to Mr Seth Southwell if he desires it what you have received for Rents or Wrecks and what Ambergrice you have gotten or have notice of that others have founde.

For your paines in collecting and shiping our rents and looking after wrecks ambergrice and other ejections of the sea to us apertaining wee doe allow you the tenth parte of all Received or Recovered by you and sent to us.

You are from time to time to give inforuation what discoverys you have made of the Inland parts of our Province what Nations you finde and as neare as you can, the number of fighting men of each nation, and what mineralls you have observed or found in your Voyages of discoverys, and for your Incoragement wee doe give and grant unto you a tenth parte of all mines and pretious stones you shall discover and a fifth parte of any trade you shall discover with any nations either amongst or beyonde the Apeletian Mountains.

You are to take into possession for our uses all Estates either real or personal which by virtue of his Majesty's Lettters Pattents doe escheate to us, and are from time to time to give us notice of any estate that is escheated and send us an Inventory thereof that wee may give you directions how it shall be disposed of.

ALBEMARLE. G. CARTERET.
SHAFTSBURY. CRAVEN.
P. COLLETON.

[B. P. R. O. COLONIAL PAPERS.]

TO ALL THE INHABITANTS OR ANY THAT MAY ARRIVE IN THE COUNTY OF ALBEMARLE.

This is to certify that I have seene a proclamation signed by Capt. Tymothy Biggs wherein he declared himselfe Dep^ty^ to the Earle of Craven and Comptroller & Surveyor Generall of his Maties Customes and that he is ready to enter & cleare any vessell or vessells that may here arrive and to the intent that noe person whatsoever may be deluded or run into danger by meanes of the said proclamation I doe hereby declare that as to his being Dep^ty^ as aforesaid I dispute not but never understood that a Comptroller or Surveyor of the Customes had the prerogative of entring or clearing any vessell but that it belongs to the Collecto^r^ which I am till another appeare & therefore whoever shall enter or cleare with him thinking they have done their duty therein he or they may be hereby informed that I will make seizure of them & bring them to tryall according to Act of Parliament.

Dated Feb^ry^ 25th 1678–9

JOHN CULPEPER Collecto^r^

[*Indorsed*]
Culpeper's Declaration
ag^st^ T. B. when T. B.
was pulled downe
Read the 7th Feb^ry^ 1679–80.

[B. P. R. O. COLONIAL PAPERS.]

May it Please your Lord^ps^

In obedience to your Lordp^s^ Reference of the 11th March last Signifyed to us by Mr Guy we have Considered the Peti$\bar{c}$on of René Petit his Maties Agent at Rouen and Jacob Guerard of Normandy Gent. & Sr Thomas Dolmans L^r^ thereupon of the 14 of the same month and in answer thereunto we do humbly offer That (as we are informed) the quantity of Tobacco that groweth in Carolina and those Parts is considerable & Increaseth every yeare but it will not appear by the Customhouse bookes

what customes have been received in England for the same for that by reason of the Badnesse of the Harbours in those parts most of the Tobaccoes of the growth of those Countreyes have been and are Carryed from thence in Sloopes and small fetches to Virginia & New England & from thence shipped hither. So that the Entries here are as from Virgin[a] & New England although the Tobacco be of the growth of Carolina & Albemarle. And as to what is desired That his Ma[tie] would be pleased to Send the Peticōners two of his small ships for the Transportacōn of about four score Protestant ffamilies to Carolina and that Two thousand pounds sterling which is to be advanced towards this undertaking may be reimbursed to the adventurers out of the first Moneyes accrewing to his Ma[tie] by bringing into England the Comodities of that same Plantacōn; We humbly answer.

ffirst That it is not said in the Peticōn that these ffamilies are now in parts beyond y[e] Seas, & would come hither on purpose to be transported for Carolina but that for ought appears they may be Protestant ffamilies that are already settled here, and we canot advise that his ma[tie] should give any Incouragement to any People who are settled in this Kingdome whether Natives or fforreigners to transport themselves from hence into any of his Ma[ties] Plantacōns or Ireland On the contrary we are of opinion that there are too many ffamilyes that do daylye Transport themselves both to the Plantacōns & to Ireland to the to the unpeopleing & ruine of this Kingdome. And we are of Opinion that means are rather to be used for the hindring then the promoting thereof but if these ffamilies are now really in parts beyond the Seas, we think that the Encouraging of them to come over to goe to Carolina is a very good Work.

2. But we do further offer that the Colony being given by his Ma[tie] in Propriety to sever[ll] Lords Proprietors We see noe reason why his Ma[tie] should be at y[e] charge of Peopleing that Colony but that the same ought to be borne by those to whom his Ma[tie] hath given the same in Propriety.

3. The Customes upon Tobacco are soe considerable being two pence ℔ pound That if Carolina should be ℔mitted to Import Tobacco Custom free It would be a very great discouragem[t] to his Ma[ties] other Colonyes who plant Tobacco. And besides Carolina is soe nigh to Virginia & Albemarle that in this case the Tobaccoes of those parts would in small Boats be carryed to Carolina & be shipped hither in small Ketches as Tobacco of the growth of Carolina & it would be Impossible to prevent this fraud.

4. But whereas the Pretence of Transporting these ffamilies is for the setting up of the Trade of silkes Wines and Oyles We doe offer that in case his Majtie shall think fit to do any thing in this business That it may be by granting to the Peticoners a Proportion not exceeding one halfe part of such customes as shall Arive upon Wines silkes & Oyles, & dne care to be taken that there be good and authentick proofs that the said Comodities are of the growth of that place & that the allowance to be made by his Matie be upon such Wines, Silkes and Oyles only as shall be imported imediately from Carolina into the Port of London for the more Exact Keeping the Accompt & preventing frauds & abuses to be put upon his Matie by importing silkes wines and oyles of other Countreyes as if from Carolina.

Custom house Londo
14th April 1679.

All wch is humbly snbmitted to your Lordps Consideration.
RICH TEMPLE.
CH: CHEYNE
JOHN UPTON

H. MILLINGTONY
G. DOWNING.

[B. P. R. O. Colonial Papers.]

ROBERT HOLDEN TO COMMrs OF CUSTOMS 10 JUNE 1679.

Boston in New England June 10th 1679.

May it please your Honours,

Since my arrivall at this place (in order to my passing for the County of Albemarle in the Province of Carolina having received from yr Honrs Commission & Instructions for the collection of His Majesty's Customs &c.) haveing met with divers informations tending to my place there & the frauds used by the traders here about Tobacco transported thence to this place and else where, It is my duty (& ℔ the greatest injunctive tie devised) to give information of all affaires thereunto relating as also ℔ severall articles in my Instructions required in such negociations to serve the King faithfully in ye misdemeanours of his subjects about the defrauding of customes &c. The subwritten accompt of such affaires in here inserted.

About ½ dozen traders of this place with their complices receive the greatest part of the production of tobacco in the County of Albemarle in

the Province of Carolina annually & ℔ a person whom through their interest wth the people have factiously made one Mr Culpeper (a Gentleman I Know not) the Collector of his Ma^ty's^ Customes, by which meanes they & he have played such notorious pranks with the specious pretences of doing justice and preserving the King's rights that a people and Customes Treasure were never more infatuated, cheated and exhausted by the current late received stamp in these parts of New England Christian policy.

And as the Tobacco trade current causeth their concourse thither & their wayes to leniate ye impost (which the other subjects of the King pay) resteth not there, for from thence brought hither, they have liberty without farther examination here to carry the same to Ireland, Holland, France, Spain or any other place under the notion of fish and such like goods by which the trade is so diverted from the true rules of Commerce that trafique in this Western world must be monopolized in this Commodity only to New England & the rest of His Majesty's people so trading must become Bostoniz'd or relinquish dealing if speciall care is not had thereto & a settlement of Customes here with the King's Officers.

That the Canary trade in like nature is carried on: Ships from hence go thither & load wines, touch at Maderas or some other of the Western Islands & there take about a tun of their wines which they put in the hatchway coming home; From whence your ship? From Maderas, with their lading Wines, & so draw off the upper Caskes for a taste & so the whole ship under this notion is unladed without further enquiry. I was told this by one who saled in a ship that practised it.

That the Scotish Trade by the like Legerdemain jugles is driven. A ship at Newcastle Berwick Poole &c. toucheth taketh in coals or some slight goods, goes for Scotland and there receives great quantities of linen & other Scotish goods what they think best to bring & coming here by her English clearings at the Ports &c. abovesaid passeth for current without farther inquisition.

The French, Spanish & what Country else European trade in like nature passeth home under the pretence of French or Spanish salt &c. by which from France they import all that Country wares as Linen, Wines, Rubans, Silks &c. from Spaine wines, fruits, oyle Portugall the like goods &c. from hence transport as afores^d^ under the notion of fish to all these places what will turn to account.

Here is just now a ship returned from Madagascar by the way put severall Negroes on shore at Jamaica, she touched I hear at severall parts

of East India & besides hath brought Elephant teeth where she got them knows not, she hath been a year & ½ out.

The fame that this place hath bore in this Western part of the World as well as elsewhere (in this article makes me somewhat digress) about their church governm^{t} and integrity of life in breef is now almost wholy devoured with Christian Policy of New England by which meanes they have made their adoration their prime best Commodity of Merchandize & their Zeale their cheef broaker, as their occasions and affares in the world shall require, that these two now may pass for the grand Cheates of the world.

For my part I have thought this my duty both to my King & yourselves in that place (under your favor) I enjoy, to advise that these irregular courses may be prevented & care taken as your wisdomes herein may appoint, without which not only many of His Ma$^{ty's}$ Liege People will be oppressed; But my Masters the Lords Proprietors of the County of Albemarle in the County of Carolina will through their interest of trade there be kept in faction & Rebellion as now it is and for severall yeare hath been & they the cause wholy that their Lordships government cannot take place.

I shall omitt no time nor paines in the execution of my office according to my capacity & wholy follow your Instructions and Orders & indeavour to regulate within my power & by all opportunities give advice of all occurrences.

In the 12th Article of Instructions is expressed a Copy of his Maj^{tis} Proclamation of the 24th Novr in ye 27th yeare of his Reigne relating to European wares and Merchandize delivered me &c, which I have not neither in the Book of Rates can I find it inserted. I desire Yo^{r} Hon^{rs} by the next conveniency to send me all the Proclamations that have been tending to His Maj^{ts} Customes; that according to my place I may cause publick reading of them in our Country with what else may farther relate to my more full & truly exeeeuting my place.

I subscribe my self

Yo^{r} Hon^{rs} most humble & bounden Servt

ROBERT HOLDEN

Within this 2 or 3 dayes I depart hence for Albemarle County in ye Province of Carolina having been about 10 dayes here. R. H.

[B. P. R. O. Colonial Papers.]

The humble proposalls of Tymothy Biggs to the most illustrious & Rt. Honble Lords Proprietors of his Maties Colony of Carolina I presume that yor Lo^ps^ having beene out considerable sum̄es of money for the well planting the south parts of your Province with hopes of a further Answere of your Expectac̄on then you may have hitherto had Possibly may be a Reason of unwillingnesse in your Lord^ps^ to Lance out no further But I humbly propose to your Lord^ps^ That nothwithstanding you have not beene out as yet any thing upon that County in ye Province called Albemarle yet ye Inhabitants have lived and gott Estates under y^r^ Lord^ps^ there by their owne Industry and brought it to the capacity of a hopefull Settlement and ere these had it had your Lord^ps^ smiles & assistance but a tenth part of what your Southern parts have had It would have beene a Flourishing Settlement But People having no assurance of their Lands (for that yet never any Patents have beene granted under yor Lord^ps^ to the Inhabitants) is matter of great discouragement for men of Estates to come amongst us because those already seated there have no assurance of their enjoyment.

As to our Inletts Virginia being so neare us when the Government shall be well settled (our Land exceeding Virginia & our Stocks of Cattell not requireing fodder as Virginia doth) will draw men of Estates amongst us who may by building small Vessells send our Tobacco to shipp that lye at Virginia Capes and have freight cheaper for delivering the same on board for that many ships are forced by their sloops to fetch their tobacco further than our place is from Virginia And the goodnesse of our Tobacco will advance the price to countervaile the charge.

That the present yearely Product of our comodity (to say) Tobacco in yor County of Albemarle pays his Matie for Custome at least 8000£ sterling And the yearly product may be s^d^ to be worth many thousand pounds besides our great stock and the Indian Trade wch were we supplyed directly from England would much advance your Settlement.

That it would be great Encouragement to People to well Plant and remove to yor Lord^ps^ s^d^ County & to yor Lord^ps^ profitt if did as at yor Lord^ps^ South Settlem^t^ Carry on Plantac̄ons there which would Answer yor Expectac̄ons without being a fourth part out to what some of yor Lord^ps^ have beene.

Bee pleased to consider a necessity for yor speedy & effectuall suppressing ye Rebellion though at some charge by a small force for that not onely

his Majtys Customes are unpayd & yor Lordps interests lye at stake by ye great Injury it will be to ye neighbouring Governmts as New England, New Yorke, Maryland & Virginia by servants, Slaves & Debtors flying thither wch will in continuance of time make them so stronge as small matters will not then do it & I am sure a Vessell with 8 or 10 Guns & full power to beat up for Volunteers in Virginia to suppresse them if they refuse on Proclamacon of Indempnity to come in & submitt themselves to yor Lordps except 2 or 3 persons that are Promoters of the said Rebellion which reguard of yor Lordpps will be a discouragemt to the Rebells & encourage the Inhabitants & others to live undr yor Lordps protection.

In or about Aprill 1678

I doe Averr that these Proposalls were tendred to ye Lds PrprtrS in London by mee & yu ordred mee upon ys same to give my deposition & it to offer to ys Ld Tresurer wth my pitition yu wch I did & his Grace Duke of Albemarle Presant. & they ordrd ye same to come befor ye Kings Majty & Counscill wch was acordingly agreed on by ye Lods Propriatrs, but after upon what considerations of thers I know not, I was Comanded by ye sd Lords To forbeare offering it or proceeding any further therein

This is for a trouth given Undr my hand this 15th Augst 1679

TIMO BIGGS
Deputy for ye Earle of Craven

I the subscribr doe averr and am ready to be deposed yt ye above attestation and averrmt to the Sendr of ye afores^d Proposalls is the hand of Mr Timothy Biggs

JNO TAYLOR
1679

[B. P. R. O. Colonial Papers.]

THE REMONSTRANCE OF THE INHABITANTS OFF PASPATANCKE TO ALL THE REST OF THE COUNTY OF ALBEMARLE.

3 December 1677.

First the occasion of their secureinge the Records & imprisoning the Presidt is, that thereby the Countrey may have a free parlemt & that from them their aggreivances may be sent home to the Lords, wch are

breifely these; In the first place (omitting many hainous matters) hee denied a free election of an Assembly and hath positively cheated the Countrey of one hundred and thirty thousand pounds of Tobacco which hath raised the levie to two hundred and fifty pounds of Tob° ℔ head more then otherwaies it would have beene besides neer twenty thousand pounds of Tob° charge he hath brought upon us by his pipeing guard & now Capt. Gillam is come amongst us with three times the goods hee brought last yeare but had not beene two houers on shore, but for the slip of a word was arrested for one thousand pounds sterling & many affronts and indignities thrown upon him by ye Presid^t^ himselfe, in somuch that had hee not beene earnestly perswaded by some hee had gone directly out of the Countrey and the same night (about midnight) hee went aboard with a brace of pistolls and presenting one of them cockt to Mr Geo. Durants breast & wth his other hand arrested him as a Traytour and many other Injuries, mischiefes and grievances hee hath brought upon us, that thereby an inevitable ruein is comeing (unlesse prevented) which wee are now about to doe and hope & expect that you will joyne with us therein, and subscribe this 3^d^ day of 10^ber^ 1677.

Willm Crafford, Willm Bird, Edwd Wells, Jn° Halford And 30 more wch for brevitie I omitt to insert

A true Coppie.

ALBEMARLE IN CAROLINA.

Edward Wade aged 34 yeares or thereabouts, who deposed, saith that the within said writeing is a true Coppy of that which this Deponent (as Marshall Generall at that time of the Country afores^d^) comanded and seized from Sam^ll^ Pricklove about the fourth or fifth of Decemb^r^ 1677 who was comeing upp therewith (as y^r^ deponent supposeth) to publish itt in the precincts of Pyquomons, after hee had drawne itt wth his own hand writeing from the originall Remonstrance (soe called by and) from the Pasquatanckians, wch they sent out upon their Rebellious riseing in armes, breaking sundry locks, stealing the publicke Records & then seizeing & and imprisoning Mr Tho. Miller then Presid^t^ & Comander in cheife und^r^ the Honble Govern^r^ deceased his Maj^ts^ Collec^r^ & deputie for the R^t^ Honble the Earle of Shasbury &c. with two more of the L^ds^ Prop^rs^ dep^tyes^ wch originall Remonstrance was written by one John Culpeper as the s^d^ Sam^ll^ Pricklove told mee and further saith nott.

Sworn before me this 22 of Agust 1679.

JOHN HARVEY.

(Indorsed)

The rebbells first paper called a Remonstrance and Mr Wade's testymonye dated 10^ber^ 3^d^ 1677.

[B. P. R. O. Shaftesbury Papers. Bdle 48. No. 98.]

This Ashley Cooper And the rest of the p^{r}p^{rs} of the province of Carolina.

Wee the who are in Scorne called Quakers are made willing for of the Truth and our Innocency and to Inform you that and are a seperated people and have stood single from all the seditious actions which hath happened within this County of Albemarle As will appeare by what was acted in the yeare 1677.

Thomas Miller arriving here about the moneth with commissions and deputations from you the p^{r}p^{r}etors and Thomas Eastchurch commisionated governor of this County to settle it in order s^{d} Thomas Miller was received as president by the Inhabitants of this County who did signify Their Allegiance by an Oath for The King and fidelity to you the p^{r}p^{r}ætors and Submissi to the present government Established; And wee whom the world in scorne call Quakers subscribe the same and not long after of those that the p^{r}sent power thus established rose up in armes and seized the records and Imprisoned the President Thomas Miller and two more of your Deputies Against whose actions wee Testimony and could nott joyne with them in the same they gave forth they would seize some of our fri one of your Deputies who was thereby exposed of our friends to goe to Virginia and soe intended for England with Thomas Eastchurch (then newly arived In Virginia) lest from going whereupon the s^{d} Thomas Eastchurch lamation thereby to appease ther Jury which regarded placed a Guard of souldiers at the house of James (Hill) Tho: Eastchurch or any of our friends which were in Virginia with him Which Guard took away our guns out of our houses saying wee could not joyne with them in their Evil practises In not only in that Action, but in our which they tooke from us Whereupon they which Committee issued forth their false and unjust orders seizing and securing any of our friends which then were in Virginia from their family which was accordingly executed at their return Namely James (Hill) one of your Deputies and Francis Jones and Christopher Nich two Ancient Inhabitants and then burgesses of this County, which with the s^{d} James u Hill were apprehended (as will appeare) by their Lying Orders and by their assertions whereby they labour to villifie us and bring an

evill Report upon Truth and our peaceable meeting in the which they Render plotters and contrivers of Treason and Wagers of Warr and *vile* persons and disquiaters of the peace and scandalous base Intelligencies which things they cannott make appeare against us though falsely laid to our charge for we doe detest and Abominate and ever have borne our Testimonies agst such wicked practises since the everlasting Truth of our God hath Appeared among us Which Truth Traceth us to deney all ungodliness and worldly Lust and to live soberly Righteously and godly in this present evill World And now these seditious persons by whome we have suffered are still breathing forth their threats against us They haveing received an act of grace and Indemnity (as they call itt.)

To which two of your Deputies (for Conscience sake could not assigne Namely James Hill and Timothy severall Reasons And now the heads that were of that seditious are Elected to sett in Parliament And some of the of the Court and soe consequently to become our Judge shall bee the objects for them to execute their upon; Although wee have submitted and subscribed to this present Government as well as wee have to the former governments, Knowing assuredly that they have noe just for what they have Acted against us but only oute of their Envie Except It bee for our fidelity to you our Proprietors and submission to the present Government then established In that we could nott joyne with them against the then President Thomas Miller Because wee were well persuaded what they acted against him was Envie Mallice Because severall of us being then members of Parliament and saw what was then Acted before that sedition for the Cleareing of the Truth and for the satisfaction of the Proprietors and signifieing our Innocency as per refference to what we have often been charged withall yet still wee found a peaceable people according to what wee doe professe giveth us the more Liberty to signify the Truth unto you yee might the better know and be informed as Truth which ought Rightly to be Understood such cases as these are, Why. Because and welfare of a Nation and not only soe of their own Right and Interest severall as been for the most part of us) Sellers in Province of Carolina and have made hither abundance of patience This Late Rebellion arose here in these parts we thought wee should have done which thing (we in some measure bee looked Into with a that the many grievances and hardships wee have and are Like to

bee exposed unto may Ceasc the which wee doe not question at all (that may be heard in the behalfe of the Inocent whose Inocency places their cause in the sight of the Lords and beareth them witnesse to the well doing and is against all such—as—Act are Contrary to the Just Law and un of God which speaketh in this wise, Doe unto all as you would bee done unto which command wee the people of God (in Scorne called Quakers) are made to witnesse in as much as we dare not Act contrary to what wee professe. Soe little more at present only Leaveing the Justnesse and Inocency of our present state and Condition, unto that of God, in every one of you who are Concerned as upon this Accompt and wee still desire that the same may be heard and harkened unto by all and more espeacially by them who take to them selves power to give forth Laws and Commands and to make Acts and decrees for the good and safety of a Country and more for the punishment of Evil doers and for the praize of them that doe well. Therefore be mindfull and see that such laws and Decrees be put in force, whereby wickedness and abomination may be suppressed and the Acters and doers punished, for now it you upon which if you seriously consider and weigh the thing aright you will finde the same to be certainely true.

The wee up the pure mindes of you All to doe the and needfully the which if you doe the Lord pleased And hee will add unto you of even in the greatness of his mercy and Tru will F in this your Country Alwayes provided that Truth may have the Rule Butt when wickedness beares Rule the Righteous must needs mourne, Wherefore Consider what of them that have been the patient sufferers all along as in the behalfe of God the prosperity of his Truth and the peaceable setling of this Your Country whose Lives and Estates to the Spoyler and they themselves are readie to bee made made a prey upon If the Lord put not an end thereunto

These from the people of God who are in scorne called Quakers whose names are hereunder written } The 13th day of the 7th moneth 1679

Charles	John Hunt	Isack Page
Frau	William	Henry White
Christop	George	Arnold
John	Jonathan	Timothy Meads
Steven Hancock	William Bundey.	Jonathan Tarper
William Wayf	Joseph Scott	William Tur(ner)
Henry Prows	John Peare	Solomon Poole

These may give to understand That most of us whose names are hereunto subscribed have been Inhabitants in Carolina since the yeares 1663: and 1664.

Wee doe declayre and averr that the above subscribers comonly called quakers did cause this Remonstrance to be drawn In order to itts presentment to the Lds proprietors and did also assigne it this is for the Trouth given under o^{r} hands this 25th Sept 1679 JAMES HILL dep^{ty} to the Duke of Albemarle.

TIMO BIGGS. Dep^{ty} for the R^{t} Hon^{eble} the Earle of Craven

NOTE.—All blanks torn away in the original documents.—W. N. S.

PATENT FROM GOV. HARVEY.

By Instructions received from his Excellency the palatine and the rest of the true and absolute Lords and proprietors of the province of Carolina dated att white hall the 5th day of February 1678–9 Remaineing upon Record in the Secretaries office in the County of Albemarle as doth att large appeare, I John Harvey Govern^{r} and Lords proprietors Dep^{ty} being required to passe grants according to the fform by them prescribed to all persons who shall make the same appeare to us & desire the same, y^{t} they had pattents for Land from Sr William Berkeley any time before the 25th day of Decem^{r} 1663 With all im̄unities and priviledges therein granted Bee it knowne unto all men that this 27th day of Novem^{r} 1679. Jno Varnham esq^{r} made appeare to the governo^{r} and Lords Deputies A pattent of Land conteineing Two hundred and ffifty acres granted by Sr Willm̄ Berkley the 25th day of Septem^{r} 1663. Remaineing upon record in the Secretaries office above the patent hereunder granted as doth in full appeare upon which I John Harvey Governo^{r} and the rest of the Right hon^{ble} Lords proprieto^{rs} Deputies as afores^{d} have passed this following grant. Sr George Carteret Kn^{t} & Baron^{tt} Vice Chamberlaine of his Maj^{ties} household one of the Lords of his Ma^{tys} most hon^{ble} privie Counsell, palatine of Carolina, & ye rest of the true and absolute Lords & proprietors of Carolina. To all persons to whom these presents shall come, Greeting in our Lord God everlastinge, Know yee that wee the s^{d} Lords & absolute proprietors according to our Instructions dated at White hall ye 5th

day of ffebruary 1678–9 remaineing upon Record in the County of Albemarle in the province of Carolina, Doe hereby grant unto John Varnham esq^{r} of the s^{d} County plantor, a plantac̄on conteineing Two hundred and ffifty acres of Land English measure, lying and being in the precinct of Shaftsbury lying on the River of Albemarle, begininge att a marked Red Oake on the River side by Rodger Williams his Land & running downe the s^{d} River to a marked pine, then N̄or: N̄or: East Three hundred and Twenty pole, then to the Miles end of Roger Williams his Land and soe by his Trees South West to ye first station, the s^{d} Land being due unto the s^{d} John Varnham by & for the transportac̄on of ffive persons into this Collony whose names are in the Record mentioned under this pattent To have and to hold the s^{d} plantac̄on unto the s^{d} Jno Varnham esq^{r} his heires and assignes for ever, with priviledge of hawking, hunting ffishinge & ffowleing, with all woods & trees, wth what else is there standing, growing and being, wth his due share of all Mines & Mineralls, wth all profetts, Comodities & hereditam^{ts} whatsoever belonging to ye s^{d} Land Yieldinge and paying therefore unto us & our heirs & Successors yearely every 29th day of Septem^{r} according to the English account for every ffifty Acres of Land hereby granted one shilling of lawfull English money, or the value thereof, for every of the aboves^{d} ffifty acres To bee holden of us in fee & com̄on soccage provided always that if the s^{d} Land bee not seated wthin one yeare after ye date hereof That then this pattent to be void or else to stand in full force. Given at Mr Geo: Durants house under ye Seale of ye Countie of Albemarle this 27th day of Novem^{r} being ye 16th yeare of our possession of our province of Carolina An̄o D̄om̄ 1679 Witnes Jno Harvey esq^{r} p^{r}sid^{t} and Comand^{r} in chiefe of our s^{d} County, and our trusty and Well beloved Councellors who have hereunto sett their hands ye day & yeare aboves^{d}

Mr John Varnham 250 acres of Land

JOHN HARVEY
RICH^{d} FFOSTER
JOHN WOLFENDEN JN^{o} WILLOUGHBY
JOHN JENKINS
ANTH^{o} SLOCOM
ROB^{t} HOLDEN

[B. P. R. O. Colonial Papers.]

AT THE COURT AT WHITEHALL THIS 19th DAY OF DECEMBER 1679

Present
The Kings most Excellent Maty in Council

Whereas it appears by the affidavit of Thomas Miller that the petr being by Comission from the Commissioners of his Majties Customs appointed Collector of His Matys Customs in Albemarle in Carolina, hee had gotten into his custody sundry specialties and other effects of Tobacco received to the quantity of 8 or 900 Hogsheads together with sundry other European Goods seized as illegally imported to the value of 1200£ sterl but that the premises were snatched out of the petrs hands in a Rebellion contrivet carryed on and headed by Richard Forster John Culpeper and several others and that the said John Culpeper assuming the title of Collector of his Matys Customs took the same into his custody & embezzled great part thereof if not the whole and suffered vessells illegally to trade and that the said John Culpeper being since come into England is now upon his return back unto some of his Matys Plantations in America It was thereupon Ordered by the Lords of his Matys most honble Privy Council that the Commisrs for executing the office of Lord High Admiral of England doe forthwith give directions to the Commander in cheife of his Matys ships in the Downs forthwith to cause strict search to to bee made on board all shipps as well Men of Warr as others bound to Virginia or elsewhere for ye person of the said John Culpeper and him to seize and send up in safe custody hither to answer to the abovementioned crimes & offences And it was further Ordered that the Lords Commissrs of his Matys Treasury do forthwith give directions to the Commissrs of his Matys Customs to give orders to the severall officers in the Western Ports from whence any ships are bound to Virginia or other his Matys American Plantations, strictly to search the said ships or such as by accident may put in there for the said person of John Culpeper and him to seize and send him up in safe custody hither to answer to the abovementioned crimes and effects.

(Indorsed)
Copie of an Order for seizing Mr Culpeper

[B. P. R. O. Colonial Papers.]

REPRESENTATION TO THE LORDS PROPRIETORS OF CAROLINA CONCERNING THE REBELLION IN THAT COUNTRY. TO BE MADE USE OF IN FURTHER EXAMINATIONS.

It is humbly tendred to the consideration of the most Illustrious and Right Honorable the Lords Proprietors of the Province of Carolina.

That the Rebellion of the Inhabitants of the County of Albemarle was not accidentall or casually arose from any present or sudden provocation given, but rather the effect of a more mature or deliberate contrivance, which I humbly conceive will so appeare to your Lordships by the ensuing particulars as here circumstanced, the mane substance whereof can be clearly proved by the evidence of divers credible witnesses upon oath before any person or persons, your Honors shall think fit to empower to take cognizance of the premisses.

That the Principalls and Heads of this Rebellion were not only prompted thereunto by ambition and envy or the private pekes and particular disgusts they had to those Gentlemen your Honors thought fit to entrust with the Government, but alsoe more especially those personall and particular crimes they knew themselves guilty of and accountable for whenever a Governor should come.

That this was a deliberate design of no sudden growth may be proved by their generall charge wherein all their former actions seem to have a naturall tendency to this their last and horrid end, At first their severall times disturbing the Courts, subverting the Government, dissolving Parliaments, Their industrious labor to be popular and continued making of factions and parties.

Their poysoning the peoples eares, unsetling and disquieting their minds, by diffusing and dropping abroad, by their Agents false and dangerous Reports tending much to the indignity of your Honors and reproach of your Government, and among divers others, that your Honors intended to raise the Quitrents to two pence and from two pence to six pence per acre. Now what they have done since is so notorious and obvious to every eye, as the imprisoning your Lordships' Deputies, putting the President who was likewise his Majesty's Collector into Irons, their Generall arming on the first appearance of Gilham's shipp in Pas-

cotanke River, their seizing and carrying away the Records, Lastly their arrogating and assuming to themselves the supreme and sovereign power, by first dissolving then erecting Courts of Judicature, convening Parliaments without Writs, and as if they had the sovereign and absolute power they put out make New Officers not only in Courts and other publick services of the Country, but even where The King is more immediately concerned, turning out His Majesty's Collectors, putting in others, clearing and discharging Ships, but last of all their most horrid treasonable and tyrannicall actings in erecting a Court for tryall of life and death without the Lords Deputies or Commission of Oyer and Terminer or any other colour or pretence of Authority, either from His sacred Maj^{ty} or your Lordships, and particularly in the cases of Mr Thomas Miller and Mr Timothy Biggs.

But their speciall, particular and respective crimes are here annexed to their severall names here in the margin in the order following (vizt)

Capt Valentine Bird. He being appointed by the Country to be Collector of His Majesty's Duty of the penny per pound, for all Tobacco not exported forEngland, did without power from or the privity or consent of either my Lord High Treasurar or his Majesty's Commissioners of the Customs suffer the New England Traders to load and carry away the Tobacco of the Country without paying the said Duties, by which meanes they are now run in arreare to His Majesty one hundred and fifty thousand weight of Tobacco, and finding the hazard he had run in case another Collector should be sent he with above one hundred more, most whereof were Pastotankians, which after led the other Precincts into Rebellion there, with him subscribing a Paper against the payment of the said Duty, but after hearing by the report of Crawford that Mr Eastchurch was coming Governor and Mr Miller Collector, Bird and the rest of the subscribers were the first that took armes and opposed Miller at his first landing fearing they should be questioned for what they had done so, as soone as ever Gilham arrived they again take armes and by their Agents invite the other three Precincts to joyne with them, and till the generall elaps of the Country they were only in this defection and Bird was their Leader and drew the first sword, encouraged hereunto by Captain Zackery Gilham who supplied them with many fire armes and other weapons of War, came with some of his Seamen armed to Captain Crawford's house, where the President and two other of the Deputies were taken prisoners.

George Durant. hath several times before not only contemned but opposed the authority established by your Honors, and in the head of a

Rebell rout by force subverted the Government turning out and placing in whom he and they thought fit at pleasure, and openly threatning that, if ever Mr Thomas Eastchurch came in Governor, he would turn Rebell. And as if these were too small crimes, he hath viciated a Record of Court by adding, razing and other wayes altering the verdict of a jury, and as foreman giving it in contrary to what the whole Jury had returned upon oath, particularly in case of Mr Thomas Miller. And in fine hath all along when at home beene one of the most violent, active and the most outrageous of all the Conspirators and Insurrectors.

Capt. William Crawford hath formerly as well as now industriously made it his business to be popular, make factions and then head them and very subtily though clandestinely and underhand, will be found one of the chief contrivers as well as acters in this Rebellion, but (besides) his particular crime, in the imbezling and taking of the file of the Records, a gratious grant of your Lordships to the Country. And having formerly got the Records into his Custody, divers of them are since not to be found: and this he did, as may be judged; (since he could make no private advantage thereby) purposely to keep the people ignorant of your Honors good intentions to this Country and might find fitter occasions thereby to insence them against your Lordships and the government.

Capt: John Willoughby He is a person that runs himself into many errors and premuniries through his extra-judiciall and arbitrary proceedings in the Courts of Judicature, and for instance in the case of Mr Thomas Eastchurch, who by reason of their tyranny and injustice to himwards would have appealed to your Lordships, but was thus answered by Willoughby That they were the Court of Courts and Jury of Juries. He is a person that through a naturall habit of pride or ambition hath been alwaies imperious amongst his equals, courteous to his inferiours, because factious and would be popular; stubborne and disobedient to superiors, evidenced by his scornfull and peremptory refusing obedience to the summons of the Palatine's Court and his beating the sworn Officer that served the same: and for this and other scornes and contempts put upon the Court, and continuing still obstinate, he was outlawed: The next Parliament approving of the proceedings against him, set a fine on his head for his said contempt. And hereupon he disavowes your Government by addressing his complaints to the Governor and Councill of Virginia, and notwithstanding the discountenance he met with there, yet he returns not homewards till he heard the Country was up in armes.

Capt: Thomas Cullum frequently sells powder, shot and fire-armes, as well to those Indian nations that are not as those that are in amity with the English, expresly contrary to the Laws of all the English Provinces which make it death to sell either to our enemies. And on notice given to the Magistrates of Virginia, Warrants were there issued out for apprehending him, and if he had there been taken (although in another Government) he must have stood a tryall for his Life for the same or like fact there committed.

Lieut: Col: John Jenkins being some time made Governor by the appointment of Cartwright was after for severall misdemeanours displaced and imprisoned; yet although never legaly discharged, raiseth a party of riotous persons in armes, and these with some others vote him Generalissime, neither he or they pretending to any other right or authority than what he derived from this Rebell Rout, these turne out the Palatines Court, dissolve the Assembly, place and displace whom he and they pleased by an arbitrary power and force. But yet although Jenkins had the title yet in fact Durant governed and used Jenkins but as his property, for of all the factious persons in the Country he was the most active and uncontrolable.

John Culpeper, a person that never is in his element but whilst fishing in troubled waters, he was forced to fly from Ashley River for his turbulent and factious carriage there. He both here and in New England with some of the discontented Traders plotted there and underhand here incouraged the hot headed people to this rash and ill-advised Rebellion. Culpeper being their Secretary or Register and one of their Caball or Grand Councill in matter of advise, this being the second disturbance he hath made here, besides what he hath done in Ashley River, New England and Virginia and therefore a man they much hearken to for his experience sake.

Patrick White is one that with Willoughby applyed himself to the Governor of Virginia, that beate Mr Miller when he landed, and an active man in this Rebellion, and hath formerly been a disturber of the Government.

Capt: James Blount, although one of the Great Councill or Assistant to the Deputies is one of the chief persons amongst the Insurrectors, and although I wrote to him, the speaker and rest of the Burgesses of Chowan Precinct, yet when the Sheriffe or Chief Martiall came with my letter and endeavoured to raise Posse Comitatis for keeping the peace and securing of that your Lordships Country, he the said Blount with one Captain John Vernham took the Martiall and his men Prisoners and raised forces against the Government.

Bonner and Slocum two other of the Burgesses joyne with Cullum, Blunt and Vernham. So that all the five Burgesses of Chowan, although contrary to their Oathes of Allegiance and Obedience, and to their proceedings in Parliament, are in this defection and by their bad example have drawn in the Country people. There are besides these about eighty or an hundred which may be ranked in a second Classe differing no more from the former than second rates from first. And all or most of these have been guilty of former insurrections with some of their Leaders above named, especially such as live in Pascotanke, viz' Lieutenant Wells, Seares, Jennings, Ellis, Bonesby and his two sons, Cotes, with divers others of the Precinct.

Now the rest of the people may rather be reputed newtrall, for if they have complyed (as many of them have done) it is only through want of Courage that they have sacrificed their faith to their fears, and for the same reason will on the first appearance of a party from your Honors although but 60 or 70 men on pardon published and examplary justice done on the Ring-leaders who do overawe them, they will then gladly returne to their duties, their necessities also constreighning them, for they cannot subsist without planting of Corne and Tobacco, well knowing that without these two (having made them their sole dependence) they must perish by hunger or want of cloathing, unless the Cheif leaders build Capers and imploy them to rob the Merchants to supply their wants as they come into the Capes of Virginia which is not above 20 or 30 leagues from this Inlet; and they are apt enough to tell them, that in respect of the openness of the Road, shallowness of the Inlet, fastness of the Country, and by reason of the woods, swamps, rivers, creeks and runs, this Country being no waies accessible by Land but to the northward from Virginia, and that but by three passes or avenues, by which meanes they may possibly be persuaded they may be as safe from His Majesty's Frigates as if they were in Sally.

I mention not this to discourage your Honors, but do likewise assure you that they are as inconsiderable, as rash and disobedient: the whole number I do not say of men but Tythables that is of working hands consist of about 1400 persons, a third part whereof at least being Indians, Negros and women will, the rest once being declared Rebells, quickly desert them and come in in hope either of liberty or better usage. So that in fine I can no way bring the number of Rebells that may be expected in armes to amount to 100 men, and these by reason of the several rivers and creeks which run north and south, and divide the severall Precincts, so that they cannot suddenly joyne. If therefore a Ship

from England with goods and servants which I am confident would answer the charge, two or three Sloopes prest from Virginia, all man'd with about 60 or 70 men divided into two parties, one whereof might run up to Chowan up the Sound in a night, and there I am sure they would meet with many Loyall and lusty young men, who would immediately joyne with them and on notice divers who fled to Virginia would return for Pasquimans, there were but 3 or 4 noted Rebells as Jenkins, Durant, Sherrell, Greene, Pricklove and Lininton, most of the rest being Quakers, who stand firme in their obedience although they will not fight, the archest Rebells and greatest number being in Paccotanke. And although it is easy to reduce them either by the way above proposed or by those soldiers as are yet behind in Virginia or by Volunteers from thence, near two hundred having promised Mr Eastchurch to march in with him as soone as he should obteine Licence from the Governor there, but his death prevented his designe, the Governor assuring him by his messingers that nothing should be wanting on his part wherein he might serve him, they there and also in Maryland being exceeding sensible of the dangerous consequences of this Rebellion, as that if they be not suddenly subdued hundreds of idle debters, theeves, Negros, Indians and English servants will fly into them & from thence make Inroads and dayly Incursions, whence great mischief may follow which may better be foreseene and prevented than after remedied, for considering the vast coast and wild woods of the backside of Virginia they may come from Maryland & the Wilderness between Virginia and Albemarle extending one hundred miles without one Inhabitant they may and some already do go into them in defiance of all the care the Governor and Magistrates there take for prevention.

[HENING'S VIRGINIA STATUTES AT LARGE, VOL. 2, P. 445.]

AN ACT PROHIBITING THE IMPORTATION OF TOBACCOES INTO THIS COLONY.

For as much as the importation of tobaccoes into this colony from Carolina and other parts without the capes, hath been found very prejudiciall to this country and the inhabitants thereof, and for prevention of like mischiefe and inconveniency for the future, Be it enacted by the governour, councell and burgesses of this present grand assembly, and the authority thereof, and it is hereby enacted, that from and after the tenth

day of October next, after this present session, noe tobaccoes packed in casque or otherwayes shalbe brought from without the capes of Virginia into this colony, either in boate, sloope, shipp or other vessell whatsoever, to be landed on shoare, sold or shipt of in any ship or other vessell rideing in this colony, except only by such persons as shall make it appeare that they are inhabitants of Lower Norfolk county, and that the tobaccoes by them brought round the capes, is of the growth of the said county, upon penalty of forfeiting all such tobaccoes soe brought into this colony contrary to the true intent and meaning of this act, the one halfe of such tobaccoes so forfeited to be to the use of the Kings majestie, and the other halfe to be equally divided between the informer and the country.

1680.

[B. P. R. O. Colonial Papers.]

COPY OF A P^r^ESENTMENT 9th JANUARY 1679 TOUCHING Mr MILLER AND Mr CULPEPER OF ALBEMARLE COUNTY IN CAROLINA.

Presentment 9th January 1679

The Com^rs^ being informed, That John Culpeper an Inhabitant of Albemarle County in Carolina had during the imprisonment of Thomas Miller Collector of his Ma^ts^ Customs in the said Plantac̄on rec^d^ and taken into his custody Fifty eight thousand three hundred and ninety two Pounds of Tobacco upon the acco^t^ of one penny ℔ pound due and payable by an Act of Parliam^t^ made in the 25th yeare of his Ma^ts^ Reigne, They did in Novemb^r^ last cause the said Culpeper to be arrested and imprisoned at the suite of the King in an Acco^t^ of Five hundred pounds for the answering and making good to his Ma^ty^ the said Tobacco And upon his Entring into bond with other security the 17th of November last in the penalty of Five Hundred Pounds to deliver the said Tobacco to their Collector in Albemarle for the time being within one yeare from the date thereof and produce a Certificate thereof in a convenient time after, since wch time the s^d^ Thomas Miller having made his escape out of prison arrived in this Kingdome and being now very ill hath caused this

further acco^{t} to be produced before them wherein the said Culpeper is charged to have taken from him and his Deputyes in Bonds and other Speeialtyes to the value of One Thousand two hundred forty two pound Eight shillings and one penny sterling And the said Culpeper being now againe in Custody by order of his Ma^{ty} in Councill They thought fitt to present the said acco^{t} to their Lo^{ps} to be made use of as their Lo^{ps} shall thinke fitt for the further securing of the Kings debt

R. TEMPLE. C. CHEYNE
J. DOWNING H. MILLINGTON
J. UPTON

Ex^{d}

Vera Copia.

[B. P. R. O. Colonial Papers.]

To the Kings most Excellent Ma^{ty} & the Right hon^{ble} Lords of his Ma^{tyes} most hon^{ble} Privie Councell

The humble petition of John Culpeper Most humbly sheweth

That yor Pet^{r} being upon his voyage to Virginia, & in the Downes was fetched thence by an Order from yor Ma^{ty} & Councell at Complaint of one Mr Thomas Miller & is now in Custody of one of yor Ma$^{ty's}$ Messengers and hath soe beene upwards of twenty days & In Consideration the Complaint against him is very vexatious & malitious the Complainant knowing yor Petit^{r} to be far from his home and without Mony or friends to help him to any

Yo^{r} Petition^{r} therefore most humbly Prayes

That he may be presently discharged & noe longer detained In Regard the ship yor Petit^{r} was going In is not yet gone as he knoweth of, yor Petition^{r} Beinger longer kept from his home & family will be his Totall Ruin or otherwise That the said Miller may give good security for the Payment of yor Petit^{rs} charge & Damarges if Proved to be without Any Cause & as In Duty Bound

Yo^{r} Petition^{r} shall Ever Pray
for yor Ma^{tyes} Prosperity &c.

[B. P. R. O. Colonial Papers.]

To the Right Hono^{ble} the Com^{rs} of his Ma^{ts} Tre^{ary} the Humble Petic̄on of Thomas Miller late Collector of the Customes in Carolina
Sheweth,

That he was deputed Collector in the yeare 1676 & arrived there in July 1677 & by the powers & Instructions given him by the Honble the Com^{rs} of his Ma^{ts} Customes had reduced the matter relateing to his Ma^{ts} Revenue of Customes there into a good order & method & had secured in goods & specialties to his Maties use in liew of Customes to the value of above 8000£ sterling & had taken care for a speedy freight to convey the same for England, But was hindred by a great Tumult & Rebellion that broke out in the Moneth of Decem^{r} in the s^{d} yeare (77) in wch John Culpeper & Zachary Gillam & others were Ringleaders, Yo^{r} Petic̄on^{r} being put in Irons & in a cruell & barbarous manner shut up from all society & Robbed of the Bookes specialties papers & goods that Related to his Ma^{tes} debts & Revenue as alsoe of all his owne Bookes & goods of a considerable value. That by the good Providence of Almighty God yor Petic̄on^{r} in this yeare 1679 made his escape and in December last arrived in England where wth his deputy whome he brought over with him he is able to charge the said Culpeper & Gillam wth the said miscarriages who are now both in England whereby his Ma^{tes} just dues may be secured & the parties punished according to Law & Justice But ye Petic̄on^{r} by reason of his goods being taken from him as aforesaid, and his long unjust & cruell confinement wth the great charges of his Voyage, and comeing to London from the Westerne parts of England where he first landed is soe much impoverished that he hath not wherewthall to supply himselfe & his said Deputy in necessaries.

Yo^{r} Petic̄on^{r} therefore does most humbly Implore yor Lo^{ps} to take his sad condic̄on into yor compassion & to direct the Com^{rs} of the Customes to examine the severall allegac̄ons & proofes yor Petic̄on^{r} hath in the p^{r}misses that his Ma^{ts} duties may be secured And that Culpeper (who is now in custody by order of the King in Councill) together with the said Zachary Gillam may be examined & punished according to their deserts for the said Misdemeanors And that yor Petic̄on^{r} may have Counsell assigned him to manage his charge agst the said persons before the Councell Board & something allowed for him and his deputies present Reliefe as yor Lo^{ps} in yor Wisdome & great equity shall thinke fitt, He haveing been a sufferer for his Zeale & faithfulness in his Ma^{ts} service.

And yor Petic̄on^{r} shall pray &c

[B. P. R. O. Colonial Papers.]

To the Honble the Comm^{rs} of his Ma^{tys} Customes. Thomas Miller yor Hon^{rs} late Collect^{r} in Albemarle County in Carolina most humbly tendreth the following acc^{t} of his Maj^{ts} Concernes in y^{t} County & of how much of them was taken out of his & his Deputies hands in the yeare 1677.

Imprimis in good bonds & other spetiallties & tobacco rec^{d} p^{r}te recovered out of y^{s} form^{r} Collect^{r} Mr Birds hands & p^{r}te in some bonds & tobacco rec^{d} by myselfe and Deputy Mr Biggs in the upper partes of Albemarle viz:

	POUNDS OF TOBACCO.
In tobacco as ℔ the said Biggs his acco^{t} will appeare amounting to	73837
and the residue in good bonds amounting to	89195
Sum̄: totallis	163068

2^{d} In 2 bonds wch I had in my Custody ye one of 500£ sterling from Mr Birde the form^{r} Collect^{r} appointed by ye Country who had suffred many Vessells to goe away wth-out paieing y^{s} Kings duty or secureing itt to a farr great^{r} value then ye sum̄ of ye said bond and ye oth^{r} from Mr Jno Willoughby of 200£ sterling who was bound for one Jno Liscomb a New England Trad^{r} who wthout paying ye Kings dues went away wth a Ketch burden 70 tuns or thereaboutes with Tobacco to New England in March 1675–76. both which bonds were forfeited mounting to... £. s. d. 700:00:00

3^{d} Sundry seiz^{rs} of European goods as illegally imported & of a vessell called ye Patience for bringing in p^{r}te of them made by me & my Deputy Mr Biggs & goods rec^{d} in lew of Tobacco for ye Kings dues in ye Upp^{r} p^{r}ts of Albemarle as by ye said Biggs his acco^{t} will further justly appeare & ye rest by myselfe ye value in the totall amounting to 242£ 8s 1d 242:8:01

Sum̄ totall of money Sterl^{g} & seiz^{rs} made in the upp^{r} p^{r}ts of Albemarle is ..... £ 942:8:1

4th From ye lower p^{r}ts of Albemarle in bonds rec^{d} by my Dep^{ty} Mr Hen: Hudson from one Mr Fost^{r} a form^{r} dep^{ty}

	POUNDS OF TOBACCO.
Collectr a bond taken by himselfe the totall prducte whereof in Tobacco as by his Accot will appeare is 410 Hogds which alloweing 400 pounds per hogshead amounts to.....	164000
5th Seizrs made of European goods as illegally imported by my said deputy Mr Hen: Hudson in ye lowr prts as ℔ his accot will appeare amounts to 300£ sterl:.....	£. s. d. 300:00:00
To which add	942:8:01
Sum̄ totall in money Sterlg is.....	1242:8:01

Now in bonds for Tobacco & Tobacco recd in ye uppr prts of Albemarle amounts to } pounds lb HOGSds 163068 wch in Hogshds at 400 pr hogsd is 407.

In bonds for Tobacco in the Lowr prts of Albemarle ut supra amounts to } lb 164000 wch in Hogshds at 400 pr hogsd is 410.

Sum̄ totallis 327068 wch ut supra at 400pr Hogshd amounts to 817.

All ye prmisses vizt: 327068 or 817 hogsheads of Tobacco & ye sd sum of 1242£ 8s 1d Sterling were really taken out of mine & my Deputyes hands in ye yeare 1677 as ℔ their accots will appeare by reason of ye late insurrection or rebellion wch broke out in ye foresd County in Xher ye same yeare Contrived & carried on then & since alsoe by Richd Foster Jno. Jenkins Ja Blunt Willm Crawford Patt White Geo. Durant Jno Willowby Captn Zach. Gillam Jno Culpeper wth othrs their Confederates & New England Tradrs ye said Gillam & Culpeper being two Principall Actrs & Abettrs therein one of them viz: ye said Culpeper assumiuge the title & office of his Majts Collectr by ye incouraigement of ye said Gillam & assistance of the rest tooke the same violently out of our hands & management most cruelly imprisoning us thereupon and then disposed of his Mats concernes to his and their uses: And besides this reall damages (in takeing ye prmises out of our hands) doun to his Maty in that year 1677 & for 2 years before, there is all most 3 cropps of tobacco wch yt of the foresd year 77. deducteing wt I had recd then in ye Uppr prtes & Mr Hudson was about to receive in ye lowr prtes both wch is about 140 hogsheads in ye preceedent accot wch is to be accotable for his Matys dues amounting to 5860 Hogsheads or ye valew in lew thereof in mony sterlg att one penny ℔ pound ye price current payable for every pownd of tobacco thence exported except directly for England, Wales or Barwicke there being annually made in yt place 2000 Hogsheads of Tobacco as by a

letter from their Assembly bearing date Nov^{br} 1677 to ye Lords Proprietors will appeare and not one y^{t} we know of legally exported thence according to the Lett^{r} of the Acts of Parlam^{t}

THO: MILLER Collect^{r}
HEN: HUDSON Deputy Collect^{r}

Jur^{t} Thomas Miller &
Henry Hudson that
the Contents here mentioned
are all true dated 21
January 1679
GEO: NICHOLAS.

[B. P. R. O. Colonial Papers.]

COM^{rs} OF THE CUSTOMS TO LDS OF TREASURY 22 JANUARY 1679–80.

May it please your Lord^{ps}

In obedience to your Lord^{ps} Comands signifyed to us by Mr. Guy on the anex^{d} Peticion of Thomas Miller late Collecto^{r} of his Ma^{tes} Customes in Albemarle Countye in Carolina Setting forth that he was deputed Collecto^{r} in the yeare 1676 and arrived there in July 1677 and by the powers and Instructions given him by the Com^{rs} of his Ma^{ts} Customes had reduced the matter relating to his Ma^{ts} Revenue of Customes there into a good order and method and had secured in goods and specialtyes to his Ma^{ts} use in lieu of Customes to the value of above Two thousand pounds Sterling and had taken care for a speedy freight to convey the same for England But was hindered by a great Tumult and Rebellion that broke out in the month of December 1677 in wch John Culpeper and Zechariah Gillam & others were Ringleaders the Petic̄on^{r} being put in Irons and in a cruell and Barbarous manner shutt up from all Society & Robbed of the Books Specialties Papers and goods that related to his Ma^{ts} Debts and Revenues as also of all his own bookes & goods to a considerable value That by the good Providence of Almighty God the pet^{r} in the year 1679 made his escape and in December last arived in England where with his Deputy whom he bro^{t} over with him he is able to charge the said Culpeper and Gillam with the said miscarriages who are now both in England whereby his Ma^{tes} just dues may be secured and the Parties

punished according to Law and Justice, But the petiĉon^{r} by reason of his goodes being taken from him as aforesaid & his long unjust and cruell confinem^{t} wth the great charges of his voyage & coming to London from the Western Parts of England where he first landed in soe much impoverished That he hath not wherewithall to supply himselfe and his Deputy in necessaries And humbly Praying your Lord^{p} to take his sad Condition into your Compassion and to direct the Com^{rs} of his Ma^{ts} Customes to examine the severall Allegaĉons & Proofes the Pet^{r} hath in the Premisses That his Ma^{tes} duties may be seeured And that Culpeper (who is now in Custody by Order of the King in Counceill) together with the said Zechar. Gillam may be examined and punished according to their deserts for the said misdemean^{rs} And that the Petiĉon^{r} may have Councill assigned him to manage the charge against the said persons before the Councill Board and something allowed for him and his Deputies present reliefe as your Lo^{ps} in your wisdome and great equity shall think fitt the Pet^{r} having been a sufferer for his Zeale and faithfulnesse in his Ma^{tes} service.

We do humbly report to yor Lord^{ps} that by your Presentment of the 9 Instant (copy whereof is hereunto anexed) we layed before y^{r} Lord^{ps} the state of yor Petiĉon^{rs} case And having examined the anexed Petiĉon We do further humbly acquaint yor Lo^{ps} That the Petiĉon^{r} was appointed Collector of his Ma^{tes} Customes in the said Countye in the yeare 1676 And by the anexed accompt & the Affidavitts of the Petiĉon^{r} and Henry Hudson one of his Deputies It appears That in pursuance of the severall Lawes relating to the Plantaĉon Trade and his Commission from us grounded thereupon the Petiĉon^{r} and his Deputies had re^{cd} & taken into their hands in bonds and other speeialties to the value of Twelve Hundred forty two Pounds eight shillings and one penny sterling & eight hundred & seaventeen hhds of Tobacco & That John Culpeper menĉoned in the Petiĉon by the encouragement of Zecha. Gillam being two of the Principall Contrivers & Promoters of the said Rebellion with the assistance of severall other persons violently took the same out of the Petiĉon^{r} and his Deputies hands & disposed thereof to his & their uses.

We do further humbly aequaint yor Lord^{ps} that the Petiĉon^{r} & one of his Deputies are now here in person to make proof against the said Gillam & Culpeper for reeovering his Ma^{ts} dues soe taken from them And we are opinion that the King's Counceill learned in the law may be advised with in order thereunto And the Petiĉon^{r} being as we conceive reduced to great necessity and having not wherewithall for a present maintenance of himselfe and Deputies much less to defray the necessary charges of his

& his Deputies attendance on the prosecution of the said Gillam & Culpeper We do humbly recommend him to yor Lord^{ps} favour for such an Allowance as yor Lord^{ps} shall think fitt he having been a great Sufferer in the King's service

All which is humbly submitted to

Yo^{r} Lord^{ps} Consideracon

G. DOWNING.

JOHN UPTON. H. MILLINGTON. CH: CHEYNE.

Customhouse London.
22 January 1679.

[B. P. R. O. Colonial Papers.]

THE AFFIDAVIT OF JAMES SWANSON OF LONDON WHO DEPOSED SAITH

That in May 1676 this deponent being then in Albemarle did see Mr Thomas Miller then under a guard of soldiers a prisoner upon an accusation of seditious or treasonable words (as report there went) for wch they were carrying him from thence into Virginia to be tryed by S^{r} Wm. Berkely and his Councill and farther this deponent saith that in June following he saw the s^{d} Miller at James Towne in Virginia severall days after he was acquitted of ye s^{d} accusation and in July following ye s^{d} Miller publiquely came on board the shipp Constant of London Capt. Jacob Hayes Com̄and^{r} this deponent then belonging to ye s^{d} shipp and after the said Miller had publiquely come on board and often as publiquely went ashore, came home in ye s^{d} shipp with us that voyage and farther saith not.

JA SWANSON

Decimo tertio die Februarii
1679 jurat coram me

ROBERT CLAYTON Mayo^{r}

[B. P. R. O. Colonial Papers.]

AT THE COURT AT WHITEHALL THE 4th OF FEBRUARY 1679-80.

Present
The King's most excellent Majesty in Councill

Whereas a Complaint was this day made at ye Board of divers seditious practises lately carried on in the Province of Carolina against his Maj^tys^ Peace and Government by John Culpeper and others. His Ma^ty^ is pleased to refer the examination of the whole matter unto the Lords of the Committee of Trade and Foreign Plantations who are to meet on Saturday next at ten in the morning, And it is therefore farther Ordered that the Lords Proprietors of Carolina do then return to the said Committee an account of what has passed within the said Province in relation to the said Complaint and breach of Peace in that Government with an authentick Copy of their Charter, and that their Lo^ps^ by themselves or their Agents do attend the Committee at that time

PATENT FROM GOV. JENKINS.

By instructions rec^d^ from his Excellency the palatine and the rest of the true & absolute Lords and proprietors of the province of Carolina dated at White hall the 5th day of ffebruary 1678, remaining upon record in the Secretaries office in the County of Albemarle as doth at larg apeare; I Jno Jenkins governo^r^ and Lords proprieto^rs^ dep^tys^ being required to pass grants according to the form by them prescribed to all persons who shall make the same appear to us & and desire the same, that they had patents for land from Sr Willm Berkeley any time before the 25th day of December 1663: with all imunities & priviledges therein granted. Bee it known unto all men y^t^ this 5th day of ffebruary 1679 Thomas Relfe planter made apear to the governo^r^ & Lords Dep^ties^ a patent of Land containing seven hundred & ffifty acres granted by Sr Willm Berkley the 25th day of Septemb^r^ 1663 remaining upon record in the Secretaries office above, the pattent herennder granted as doth in full apear upon which I John Jenkins governo^r^ & the rest of the R^t^ hono^ble^ Lords dep^ties^ as above^sd^ have passed this following grant Sr George Carterett K^t^ and Barro^t^ vice Chamberlaine of his Maties household, one of the Lds of his

Maties most hon^{ble} privie Councill & the rest of the true and absolute Lords & proprietors of Carolina. To all persons to whom these presents shall come Greeting in our Lord God everlasting. Know yee that wee the s^{d} Lords and absolute proprietors according to our instructions dated att Whitehall the 5th day of ffebruary 1678 remaining upon Record in ye Countie of Albemarle in the provinc of Carolina, doc hereby grant unto Jno Jenings and Thomas Relf of the said Countie planters, A plantacon containeing Seven hundred and ffifty acres of land English measure lying and being in the precinct of Carterett, lying on the South West side of Craven River, beginninge att a small marked Cypress att the mouth of the Swamp & runing by Thomas Keele his Land into the Woods South West & by West three hundred & twenty pole, then Nōr: West & by Nōr: three hundred and Seventy ffive pole, then Nōr: east & by East to a marked Cypress in the Codd of a bay being on of M^{r} fforsons marked trees and so along the bay to the point of the River and downe the s^{d} River to the first station, the s^{d} land being due to them the s^{d} John Jenings & Thomas Relfe by and for the transportacon of ffifteen persons into this Collony; Whose Names are in the Records mentioned under this pattent. To have & to hold the said plantacon unto the said John Jenings & Thomas Relfe his heirs & assigns for ever, with priviledges of hawking, hunting, ffishing & ffowling, With all Woods & trees, With what else is there standing and growing & being, wth their due share of all mines & mineralls, With all profitts, Comodities & hereditaments whatsoever belonging to the said Land. Yielding & paying unto us therefore; and our heirs and successors yearely every 29th day of Septem^{r} according to the English account, for every ffifty acres of land hereby granted one shilling of lawfull English money or the value thereof for every of the afores^{d} ffifty acres to bee holden of us in fee and comon soccage. provided allways that if the s^{d} land bee not seated within one year after the date hereof that then this pattent to be void or else to stand in full force. Given att Mr George Durants house under the seale of the County of Albemarle this 5th day of ffebruary being the 16th year of our possession of our provinc of Carolina Anō Dōmi 1679. Witnes Jno Jenkins esq^{r} Govr and Comand^{r} in cheife of our s^{d} County, and our trusty and welbeloved Councello^{rs} who have hereunto sett their hands the day & yeare abovesaid.

JOHN JENKINS
RICH^{d} FFOSTER
JN^{o} WILLOUGHBY
WILL^{m} CRAWFORD
ROB^{t} HOLDEN

John Jenings & Tho: Relfe
750 acres of land.
JOHN WOLFENDEN

[B. P. R. O. Colonial Papers.]

The affidavitt of Henry Hudson aged 54 yeares or therabouts saith That in July 1677 Mr Thomas Miller arived in Albemarle in Carolina wth sundry Comissions and Instructions relateing to his Majesty and the Lds Propriet^{rs} affaires whereof one was to be Collect^{r} of ye Customes their and after haveing by ye advice and assistance of ye then Counsell there reduced ye Indians and ye Governm^{t} wch ye yeare before and then alsoe lay in a tumultuous confusion, he setled his Majestyes affaires relateing to ye Customes appointing officers for each River and amongst the rest did depute this Deponent his Deputy Collect^{r} for collecting his Maj^{tys} dutyes in the Lower Pts in pursuance of wch this deponent acted sometime in y^{t} affaire and had receaved in good bonds to ye quantity of 410 hhds of Tobacco for his Majestyes use and about £300 ster^{g} of Contrabanded Goods seazed as illegally imported and soe for ye space of five months things went on in quiet and peaceable manner as to the Gener^{ll} (though some were factiously inclined untill X^{ber} following upon ye arivall of one Capt. Zach. Gillam of Lond^{n} that yeare the inhabitants then riseing up in Armes thier broke out a more violent resurrection then heretofore Even to an absolute subverting the whole authority derived both from ye King and ye Lds. Propriet^{rs} seazing and imprisoning ye said Miller and the Lds. Prop^{rs} Deputyes and all others in authority and office Yea and all such of the Inhabitants alsoe as would not joyne wth them they then writt a seditious letter to the Lower Pts. to one Mr Rich. Foster to give him an acco^{t} what they had donn above wth all requireing him to sum̄ons ye Inhabitants below to chuse Burgesses for a new Assembly (as they cald it) and to seaze this deponant prisson^{r} all wch was donn and they mett accordingly; att whose meeting this depon^{t} being then thier prisson^{r} was forced to be p^{r}sent wth them though y^{t} very day he was to receave upon ye Kings acco^{t} 100 h^{h}h^{ds} of Tobacco for Customes of one Jo^{n} Williams a New England Traider whome they suffered to depart without paying any duty at all, notwithstanding this depon^{t} required assistance from them and gave caution thereof to ye s^{d} Foster and ye rest of ye Gang thier mett who instead of choseing Burgesses, they by a shout of one and all cryed out wee will have noe Lo^{ds} noe Landgraves noe Cassiques we renounce them all and fly to the King's protection soe downe went ye Lords Propriet^{rs} for about halfe an owre untill ye said Foster tould them that way would not doe, whereupon they cryed up ye Lo^{ds} againe and went to chusing thier Burgesses as they cald them wch Burgesses being

thus chosen had instructions from ye Rable how they should p^r^ceed att thier assembly wch was, first absoelutely to insist upon a free traid to transport thier tobacco where they pleased and how they pleased without paying any duty to ye King; Upon wch some of them cryed out God dam̃e ye Collecto^r^ and this Depon^t^ verily thought they would have murthered him: the next thing was that they should bring ye said Miller to a tryall for severall odious crymes they then contrived to tax him w^th^all one espeacially for cheating the Country of 135,000 lbs of Tobacco wch was secured upon ye Kings acco^tt^ by ye said Miller wch as they said belonged to them and the wch if he had not done they nev^r^ would have troubled him about thier p^r^tended imputation of treason or any thing else they had framed against him as Will: Crafford one of ye Cheefe Ringlead^rs^ often told this Depon^t^ while he was a prisson^r^ in his house then they were to seaze all his Maj^tys^ Customes into y^er^ hands: these Instructions being given the s^d^ Foster wth his Burgesses carryed this Dep^t^ a prisson^r^ along wth them to one George Durant's house wch was ye appointed place for y^er^ meeting and where ye afores^d^ Mr Miller and ye Lo^ds^ Deputyes and other Officers were prissoners and where they kept this deponant und^r^ a guard of thre files of soldiers takeing violently from this Depon^t^ all the Kings bonds acco^ts^ and consarnes whatsoever from him and after delivered them to Jo^n^ Culpeper thier Collect^r^ where ye afores^d^ Gillam was and countenancing them with his presence & furnishing them wth drink nor would he open store untill he see what would be done about ye Governm^t^ and was alsoe p^r^sent when they created a P^r^lement consisting of Tho. Collen, Speaker, James Blunt, Anthony Slocum, Jo^n^ Vernham, Henry Bonner, Jo^n^ Jenkins, Sam. Pricklove, Willm Therrill, Caleb Calloway, Alexander Lillington Willm Craford Vallantine Bird since dead Willm Jenings, Tho. Jarvies Enoch Billings Rich Sanders Patrick White & Willm Sears who was ther Drumm^r^ in all about 18 of them this p^r^lement seperated five of y^er^ Memb^rs^ vizt Jo^n^ Jenkins Willm Craford, James Blunt, Patrick White and Valantine Bird to joyne wth one Mr Richard Foster thier cheefe Judge to make a Court of, and then this Court impanelled a Grand Jury out of ye souldiers and confused Rable, the foreman whereof was one Mordecay Bowdon a New England Traider and one much indebted to ye King wch foreman consulting wth one Jo^n^ Culpeper (thier Collecto^r^ afores^d^ and cheefe scribe & counsellor) how he should bring in ye Inditem^t^ against ye sd Miller the s^d^ Culpeper told him he must Indosse Billa vera whereupon this Jury went out and quickly returned againe but ye s^d^ foreman instead of indossing Billa vera put downe Bill of Error

whereupon the Court looking wishtly upon it as much amazed, the s^{d} Culpeper snatcht it from them and told them it was only a mistake in ye foreman, whereupon ye foreman p^{r}sently replyed he had donn as ye s^{d} Culpeper had bid him; but however wthout a second goeing out or more adoe it was mended and soe passed for good the wch manner of p^{r}ceedings was not denyed but owned by Foster and others of ye Court when questioned by this Depon^{t} about it Upon this the Sheriffe was to Impanell a petty Jury upon ye s^{d} Miller ye foreman whereof was one Joseph Winslow another New England Traid^{r} and one much indebted to ye King for Custome wch was donn and would certainly then have proceeded to have taken away ye said Miller's life as this Depon^{t} had great cause to beleave (for besides the many irreverent speeches against all authority uttered by the rable) those that were upon this depon^{ts} guard and of ye said Miller's jury, this depon^{t} often heard them vowe and sweare that they would never depart thence untill they sawe ye said Miller dead or alive und^{r} ground but ye comeing in of ye Govern^{rs} Proclamation prevented it soe that they proceeded noe further in it att that time only consulted how to dispose of his Maj^{tys} consarnes wch they had soe violently taken from us to ye payeing their soldiers and agents wth all and to comitt ye s^{d} Miller prisson^{r} in Irons as he was And this Deponant and ye rest of ye King's officers and ye Lo^{ds} Prop^{rs} Deputyes and some other of ye Inhabitants Close prison^{rs} apart wthout the p^{r}vilege of pen inck or paper or accesse of frendes or humane converse wch continued soe wth some of us almost ye space of two years and to send a strong guard to oppose ye Govr wch they did untill he dyed in Virginia wch was not long after Soe things continued in this posture carryed on by those already named especially there Court Members as principal Acto^{rs} togeather with one Jo^{n} Willoughby and George Durant who weare thier Agents sent home that yeare to cover all thier actions over in England that truth might not come to light and furth^{r} at present your Depon^{t} saith not.

HEN: HUDSONE

Jurat 31 die Januar: 1679
coram
W MOUNTAGU

[B. P. R. O. Colonial Papers.]

REPORT OF THE LORDS OF THE COUNCIL TO KING CHARLES 2nd 7 FEBRUARY 1679-80.

May it please Yor Maty

In obedience to Yor Matys Order of Councill of the 4th instant, We have heard the Complaint of the Commissrs of yor Matys Customes agst John Culpeper and being attended by the Lords Proprietors of Carolina we were fully satisfyed that the said John Culpeper had by divers seditions practises abetted and encouraged a Rebellion in that Province, whereby seaven of the Lawfull Magistrates Deputies to the Lords Proprietors were all imprison'd (the eighth of them only being drawn into that Confederacy) And that the said John Culpeper by color & force of that Rebellious Authority imprisoned the Collector of Yor Matys Customes, and having seized into his own hands the Customs belonging unto yor Maty did by a Proclamation in his owne name declare himself the Lawfull Collector, embezeling and endamaging Yor Matys Customes to a considerable value. All which being proved upon oath before us the said Culpeper acknowledges ye Fact & layes himself at Yor Matys feet for Your Gracious Pardon. And in case Yor Maty shall think not fit to Extend Yor mercy towards him, he desires he may be tryed in Carolina where the fact was committed But wthall the Commrs of yor Matys Customs humbly beseech yor Maty that no favor may be shewed him unless he make or procure satisfaction for the Customs seized and embezeled by him which we are informed do amount to the value of about three thousand pounds sterl.

All which &c

Councill chamber
the 7th of Feb: 1679-80

ANGLESEY
WORCESTER
LAUDERDALE
BRIDGWATER
L. HYDE
H. COVENTRY.

[B. P. R. O. Colonial Papers.]

The Affidavitt of John Taylor who deposed saith

That in Aprill 1678 this Deponent mett wth Mr Tim^o^ Biggs in London who upon some conference had wth him told me he lived in Albemarle in Carolina & from thence had then been forcd to break prison & make his escape, himselfe & ye rest of ye Lds Propriet^rs^ Deputyes & his Ma^tys^ Custome officers being there imprisoned particularly Mr Tho. Miller ye then Presid^t^ & Commander in Cheife und^r^ the Govern^r^ (Tho. Eastchurch Esqr since deceased) for ye Lords Propriet^rs^ & alsoe Collect^r^ for his Mat^y^ was clapt in irons & in shorte ye whole Gover^n^ment (wch had been near 5 monthes settled in good ord^r^ by ye said Miller & Councell) ov^r^throwne by a Rebellion wch in Decemb^r^ 1677 upon ye arrivall of Capt. Zach Gillam from London broak out wherein after ye publique Records first seized sundry lockes broak open in ye action all in authority or office were deposed seized & imprisoned & ye s^d^ Rebellion contrived promoted & carried on by ye s^d^ Gillam who was the first man that appeared in armes & wth ye maj^r^ parte of his rude sailers on ye shore & alsoe drew his sword at ye s^d^ Biggs ye Earle of Cravens Deputy together wth Jno. Culpeper, Rich. Foster, Jno. Jenkins, Ja. Blunt, Wm. Crawford, Patt White, Geo. Durant, Geo. Willoughby wth sev^r^all others their Confederates & New England Trad^rs^ wch Culpeper assuming ye title of his Ma^tys^ Collect^r^ by meanes and assistance of ye s^d^ Gillam & ye rest of their accomplices tooke his Ma^tys^ concernes violently out of ye s^d^ Millers & his dep^tys^ hands wch were to a consid^r^able value & for wch he ye s^d^ Biggs told me y^t^ Mr Miller had taken great care for freight for its transportation thence for England according to ord^r^ And this Depon^t^ further saith he was an ear witness to ye information wch ye s^d^ Biggs made in relation to ye premises in his Petitions both to ye Propriet^rs^ & to ye Lord Treasurer when he was in England in ye yeare afores^d^ & alsoe y^t^ ye s^d^ Biggs was ordered by ye s^d^ Ld. Treasurer to make affidavitt thereof & petition ye Kings Counsell wch ye s^d^ Biggs was then intended to doe but in ye Intrim ye Propriet^rs^ (sendeing away Seth Sothell Esqr who had purchased a Propricty to be Gov^r^n^r^) they commanded Mr Biggs to desist and: now the s^d^ Sothell being taken by ye Turkes is ye cause y^t^ things to this day remain allmost in the same confusion as before.

And this depon^t^ saith further he went to Albemarle in Carolina wth ye s^d^ Biggs & in Feb^ry^ 1678–9 we both arrived at ye s^d^ Biggs his house there & soone after o^r^ arrivall ye Rebellious Rabble mett att ye fores^d^ Durants house ye usuall place of there Randezvouse & ye first salutation y^t^ M^r^

Biggs had from them (notwithstanding his former declarations for peace & quietness) was a ℔emptory warrant to summon him before them chargeing him to bring wth him all papers both private & publique wch he had bronght wth him from England and to answer such matters as they had to objecte against him wch s^d^ warrant I both saw & read whereupon Mr Biggs asked this deponents advice w^t^ to doe who told him y^t^ as he was ye Earle of Cravens Representatives & Compt^r^ & Survey^r^ Gen^r^all of his Maj^ts^ Customes ye best way was to goe up to them & publish his Commissions & ye s^d^ Biggs did goe to them & publish ye same & this depon^t^ went wth him, where he saw all ye afores^d^ Ringlead^re^ (Willoughbie & White onely excepted) Captn Zack. Gillam being there also who seemed to carry ye greatest sway & superintendency ov^r^ them, but could not perceive this fair proceeding of Mr Biggs took my effects wth them they being as resolute as before, then Mr Biggs put a paper up att ye Court doore signifieing y^t^ he being ye onely officer for ye King that was arrived in y^t^ Country afores^d^ he would offitiate in ye Kings affaires wch paper I saw & John Culpeper puld itt downe & soone after putt up another signed by himselfe as Collect^r^ chargeing all ℔sons to take noe Cognizance (as to ye Customes) of Mr Biggs wch paper is to be p^r^duced, neither would ye s^d^ Culpeper give ye s^d^ Biggs any acco^t^ of ye Kings concernes in his hands wch to my certaine knowledge Biggs demanded accordingly as he was directed by his instructions from ye Comm^re^ of ye Customes, but Culpeper told him he valued not his Commission or Instructions exepte he would joyne w^t^h them saing likewise the Country had impowred him & he would keep w^t^ tobacco he had of the Kings in his hands & dispose of itt as he thought fitt absolutely refuseing to give him any acco^tt^ at all and more over the said Culpeper did threaten if Mr Biggs made size^r^s for ye King or meddled wth his Tobacco he would have him secured and clapt up againe & soe did all ye afores^d^ Gang threaten the said Biggs to reimprison him or do him a mischeife either on board or on shore if he acted w^th^out them wch insolent threats & surly behaviour of them caused the said Biggs wth ye helpe of his family & myne assistance alsoe wch he had desyred to be upon our guard night and day for fear of being sett upon by them & when we went to sleep to have our gunns ready charged by us least wee should be surprised in this miserable condition we lived till ye s^d^ Biggs was forced (for his owne saifty) to quitt his home & goe into Virginia where this deponent lefte him & came for England.

JNO TAYLOR

Jur^t^ 31 die Januar 1679
coram
Wm MOUNTAGU

[B. P. R. O. Colonial Papers.]

AFFIDAVIT OF THOS. MILLER CONCERNING THE REBELLION OF CAROLINA

The affidavit of Tho. Miller aged 31 years or thereabouts saith—That in or about the middle of July 1677 hee arrived in Albemarle County in Carolina with Sundry Commissions Instructions & other Instruments of writing from the Right Honble the Lords Prop^{rs} of the s^{d} Province under their Lor^{ps} handes & seales for this deponent to be Register (wch then was in ye stead of Secretary) of that County aforesaid and also to personate one of their Lor^{ps} in Councill there and other Comissions and Instruments of writing from the then Govr vid. Thom. Eastchurch Esqr for this deponent to preside in Councill & to bee Comand^{r} of ye military forces of s^{d} County afores^{d} during his ye s^{d} Gov^{rs} absence and also a Comission from the hon^{ble} ye Comiss^{rs} of his Majestyes Customes for this deponent to bee Collecto^{r} there with sundry Instructions to act by. In pursuance whereof, after having (by ye advice of the then Councill there) setled the Lords Prop^{rs} affaires relating to their governm^{t} reduced the Indians, who the year before (as was manifested to ye deponent) vid. in 76 had comitted sundry murders and depredations upon some of the inhabitants) and had brought ye people, who in ye s^{d} year of 76 (as did appear to ye deponent) and then also were in a miserable confusion by reason of Sundry factions amongst them to a reasonable good conformity to his Majestyes and the Lor^{ds} Prop^{rs} Laws and authority and (as y^{u} seemed) to the generall satisfaction of ye inhabitants. The deponent then setled his Majestyes affaires in reference to ye Customes and for the better managing and collecting the same had appointed deputyes and other sub officers in each precynct, And had together with his s^{d} Deputyes gotten into their hands (for his Maj^{tyes} use) from ye former Collecto^{r} appointed by the Country and part received themselfes as much of the Kings Concerns in bonds for tobbacco and tobbacco received as amounted in ye whole to 327068 pounds wch in hogsheads allowing 400 pounds to one hogshead comes to about 817 hogsheads as by account will appear and in sundry other bonds for money, as also in severall seizures of European goods judged illegally imported and of a vessell called the Patience for importing some of ye s^{d} goods made by him and his deputy and in goods received in lieu of tobbacco for the Kings Customes as amounted to the value of 1242£ 18s 01d sterling as by account will also appear the pro-

duct and effect whereof (his salary excepted) hee had taken care for transportation that very year according to the hon^{ble} the Comiss^{rs} of the Customs Orders as will partly appear by Mr Henry Hudson and Mr Tymothy Biggs, but was hindred therefrom by reason of an Insurrection and (as ye deponent humbly conceives) a rebellion which violently broke out in y^{t} Country 10^{ber} 77 and hath to this day continued without any effectuall restraint and suppression, notwithstanding all the endeav^{rs} of ye Lor^{ds} Prop^{rs} in comissionating & appointing Seth Sothel Esqr to be Govr and to reduce the same wch was contrived and carried on then and since by Richard Foster John Jenkins George Durant John Willoughby Wm. Craford Patricke White James Blunt Capt. Zach. Gillam John Culpeper with other their Confederates and New England traders wch Culpeper (by ye encouragement and aid of ye s^{d} Gillam and the rest of their adherents) assuming the like and office of his Maj^{tyes} Collecto^{r} violently seized the premises out of his and his deputyes hands, most cruelling imprisoning them and disposed of the King concerns according to their own will and pleasure overthrowing the governm^{t} imprisoning all or most in authority & office besides and comitting sundry other outrages upon all other the inhabitants that would not joyne with y^{m} in these exorbitancyes committed in this Insurrection wch was begun and carried on after this manner following Upon the 4th day of 10^{ber} 1677 and 3 dayes after Capt. Zach. Gillam's arrivall there a parcell of men to ye number of 30 or 40 of the precinct of Pasquotank in ye afores^{d} County being set on by the fores^{d} Culpeper Craford and encouraged by ye example (wch 2 of ye Lor^{ds} Prop^{rs} Deputyes complayned of to this Deponent) as well as assistance with armes of ye s^{d} Gillam and headed by one Valentine Bird and Edward Wells did without making any addresse complaint or information to the deponent or any else in authority and without any lawfull warrant or order with force and arms vid. swords guns and pistolls violently rush into the house where the deponent and 2 more of the Lo^{rds} Prop^{rs} Deputyes were present and seized us as their prisoners and then went to searching over the publique records and other of the deponents writings wch the s^{d} party had brought with them having ye day before violently entred one Mr Tymothy Biggs his house and there breaking open sundry the deponents locks seized the said Records and whatever other of ye deponents writings were y^{e} to bee found, having also in this action sent abroad up and down ye Country their seditious libells drawn by ye s^{d} Culpeper to put all in a flame and on ye s^{d} 4th of 10^{ber} a little after ye deponent and ye other 2 Deputyes afores^{d} were seized their prison^{rs} some of ye ringleaders vid. Bird Craford Wells & others went on

board ye s^d^ Gillam's shipp (wch in all these confusions rid with Jack Ensign Flag and Penon flying while wee were prison^rs^ at Pasquotanck) where on board there was ye s^d^ Gillam the afores^d^ Culpeper and Durant and after about one houres or thereaboutes staying on board they came ashoar again with fresh new Curtleaxes for y^m^selves and many of the rest of their gang and then altering their first pretences they searched the deponents and his deputy Mr Biggs pockets and took away all our publique and private writings and pocket books w^eh^ they found about us and then ye s^d^ Culpeper writt another seditious letter wch the deponent saw and wch was signed by ye afores^d^ Bird and Craford directed to ye afores^d^ Mr Foster in ye Lower Precinct of y^t^ County called Corrituck giving him account of what they had done and how they succeeded and with all requiring or directing him there to seize Henry Hudson my deputy Collect^r^ for y^t^ precinct and all papers about him relating to ye Kings affaires and to bring him prison^r^ with him and his Company at ye Generall Meeting which they proposed to bee at ye fores^d^ George Durant's house and about 2 days after the said Culpeper went up into ye Upper parts of the County called Chowan (as was given out by himselfe and the rabble) where the like disturbance was begun and more violently agitated by the s^d^ Culpeper and where they had seized the Marshall of the County with all his papers relating to his Maj^tys^ and Lo^rds^ Prop^rs^ affaires and then after that the s^d^ Culpeper returned and in his return seized ye deponents Clerk a prisoner and a little after the s^d^ Culpepers return there followed a party of men in arms from that precinct of Chowan bringing ye s^d^ Marshall with y^m^ a prisoner their main guard then at ye fores^d^ Craford's house w^eh^ was forced in at Pascotank then (after some 14 or 15 dayes keeping the deponent & ye other Lords deputys (which they had taken close prisoners) the said Craford vowing and swearing that if any came to oppose them or relieve us y^t^ they would stand by each other to ye last dropp of blood and that if any dyed to bee sure wee that were their prison^rs^ to dy first. They carried this deponent and their other prison^rs^ round by water in hostile manner to ye fores^d^ Durant's house and there in the middle of a guard of 60 or 70 men in arms kept us close from all humane converse or accesse of friends neither would they admitt us the speech of one another The next day after our being brought to Durant's as afores^d^ they sent a party of soldiers headed by the afores^d^ Mr Bird to search for the deponent's box wherein was all his Comissions Instructions his Maj^tys^ printed Proclamations and lett^r^ and all other bills bonds accounts and other papers relating to the King's the Lord^s^ Prop^rs^ the former Gov^rs^ and this deponent together

with the Lords[s] great seal of y[e] County and many other books and things of value w[ch] box the s[d] party soon found (though hid in a tobbacco hogs-head) and carried it to y[e] s[d] Durants house where in presence of y[e] said Culpeper Craford Durant and y[e] rest of y[e] Ringleaders then met, it was broken open and all things therein contained Hauocked at y[r] pleasure as y[e] deponent saw openly and then afterwards on the very same day, by the instigation of the said Culpeper (who was the cheife scribe that writt y[e] paper or accusation) Craford, Bird, Durant, & others, they did cause y[e] depon[t] by beat of Drum and a shout of one and all of y[e] rabble to bee accused of blasphemy, treason and other crimes, and so upon a shout of one and all of y[e] s[d] rabble, was the deponent ordered to bee clapt in Irons w[ch] was accordingly done then were the stocks and pillory over-turned and throwne into the river by this rabble part of y[e] deponents magazine and estate in whatever specie wherever to bee found, Havocked at y[r] pleasure and the rabble being still influenced by y[e] s[d] Culpeper, Craford, Durant, Jenkins &c (the fores[d] Gillam being alsoe there countenancing this rout with his drink & presence) they upbraided his Maj[tye] proclamations and L[ds] Prop[rs] authority, and there Lordshipps much threatened also by the s[d] Culpeper, Durant, Craford especially the said Craford said (which this deponent heard with his owne ears) that if y[e] Gov[r] came among them there or the Lords either, they would serve them y[e] same sauce or words to that purpose and at this stand the rabble stood (onely still sending out scouts and partyes, either to threaten, seize, disarm imprison or chase out of y[e] Country all in authority or office or any else that would not Joyn with y[m]) till about 4 or 5 days after up came y[e] afores[d] Foster with his party from y[e] Lower precinct called Carituck bringing with them as y[r] prisoner the afores[d] M[r] Henry Hudson Dep[ty] Collecto[r] for his Maj[tye] there, upon whose coming they suddenly elected a parliament out of this medley as a confused rabble (making their drum̄er one of y[e] burgesses) consisting of about 18 persons, this parliam[t] seperated 5 of y[e] members vid: the fors[d] Jenkins, Blunt, Craford, White and Bird (since deceased) to Joyne with y[e] afors[d] Foster to make up one Juncto or Court and this Court so called took upon y[m] Judiciall authority and sate as y[e] supream Court upon 2 of y[e] L[de] Prop[rs] deputyes vid: Cap[t] Tymothy Biggs deputy for y[e] right hon[rble] the Earle of Craven, whom they accused of murder and M[r] John Nixon Deputy to S[r] Peter Colleton whom they also accused of treason and then brought y[e] deponent before y[m] in Irons pulling of his hat and then upon him impanelled a Jury (as they called it) out of this rabble, the foreman whereof was one Mordslay Bouden a New England trader and one much indebted to his Majesty the rest scarce 4 of

them could read or write and this Jury without any law or statute with y^{m} were sent out with such articles and Inditements as John Culpeper their Cheif Councillour and scribe and George Durant their Atturney generall had contrived agst ye deponent wch Jury quickly returned again with what ye s^{d} Culpeper had ordered him to do as ye foreman openly blurted out in their Court and upon this they ordered their sheriffe to impannell a petty Jury, who being stark drunk as ye deponent himself saw went about sum̄oning of y^{m} hee intended should have been ye Jurors on ye deponents life who were both scandalous infamous and illiterate persons and were resolved y^{n} (as ye deponent conceives) to have taken away his life for little else could ye deponent hear from y^{m} but the threats vows and bloody oathes of stabbing hanging, pistolling or poysoning but notwithstanding all this was then prevented by ye coming in of ye Govern^{rs} proclamation, which hee from Virginia (being there arrived some 8 or 9 dayes before) at ye very nick of tyme sent in, although it was by ye s^{d} Culpeper corruptly abbreviated and transcribed and so by him published to the rabble the originall (wch was under ye s^{d} Gov^{rs} hand and seale) not suffered to bee seen or published to the Inhabitants and then they took order and sent a guard of ye soldiers to oppose the Govr coming in and to dispose of ye Kings Concernes making ye s^{d} Culpeper Collect^{r} and to com̄itt the deponent close prisoner in Irons as hee was and ye rest ℔ ye authority also prison^{rs} to severall places apart the fors^{d} Court and Parliam^{t} broke of for y^{t} tyme and went to their homes and thereupon immediately as some were going in their way they were highly entertained by ye s^{d} Gillam on board his shipp ye s^{d} Gillam very joyfully fireing of severall great guns to accommodate the frolick amongst ye rest ye deponent saw ye s^{d} Foster, Craford, Culpeper with ye s^{d} Gillam in a boat together going on board ye s^{d} Gillam's shipp and suddaenly after this ye s^{d} Gillam (when hee saw what was done about ye govern^{r}) opened store and traded with ye Insurrecto^{rs} chiefly and further ye deponent saith that ye Gov^{t} afores^{d} was kept out till hee dyed in Virginia wch was about 4 or 5 weeks after, upon whose death ye s^{d} Insurrect^{rs} called ye parliament again but now to bee held at one Jenkins his house where was present also Capt. Zach. Gillam among y^{m} together with ye s^{d} Culpeper George Durant, John Willoughby, Richard Foster, James Blunt, Wm. Craford and the rest where (as it after appeared by ye manifestation of their actions) it was by y^{m} decreed, to build a Loghouse 10 or 11 foot square to inclose ye deponent and to keep him from pen, ink and paper and all accesse of friendes and then to supervise ye Records and the deponents papers wch they had in custody embezeling w^{t} they

pleased of y^m^ and then to send 2 Agents as they called y^m^ to England and one forthw^th^ by reason Capt. Tym. Biggs, Deputy for the Earle of Craven had made an escape for England wch agent (as ye s^d^ Craford and others informed ye deponent) was credited by ye s^d^ Capt. Gillam with money by bills of exchange to carry on ye businesse till hee came home wth George Durant the other Agent whom hee then carryed with him and in ye mean tyme to put y^r^ Country in a military posture to oppose all till ye return of ye agents afores^d^ and thus affaires have been carryed on to ye great damage of his Maj^ty^ ye Lords Prop^rs^ and sundry of his Majestyes Leige subjects both there and in ye neighbouring Plantations by reason sundry fugitives have been entertained among the Albemarle Insurrectors &c. And further saith not.

THO: MILLER
1679–80

Jur: 31. die Januar 1679
coram
W MOUNTAGU.

[B. P. R O. COL: ENT: BOOK. No. 20. P. 140.]

WHITEHALL 8th February 1679.

Wee had comissioned Mr Seth Sothell to be Governor of our County of Albamarle and did not doubt but by his prudence he would have remydied the disorders that have been amongst you and established such quiet and good Government that men of Estates might have been incouraged to come to you and adventure their estates there whereby trade would have been increased and you plentifully suplyed with all things but he being taken by the Turkes and carried into Argier, that you might not be without Government Wee have thought fitt that Mr John Harvey should be president of the Councill and execute the authority of the Governor untill the arrivall of Mr Sothell with you, or that wee shall otherwise direct herewith wee send you our Instructions our temporary Laws and fundamentall Constitutions which are to be your guide in the Government of our said County and wee hope that your owne Interest as well as our Injunctions will induce you to use your utmost endeavours to settle order and quiet amongst you without which you can never expect an increase of strength or trade which considerations wee hope will so farr prevail that wee shall not be constrained to

use force to reduce the seditious to reason the good and welfare of all the Inhabitants of our province being what wee most desire and not the taking away any mans life and Estate.

To the Governor and Councell of the
County of Albamarle in the Province
of Carolina.

[B. P. R. O. Colonial Entry Bk. No. 106. p. 118.]

AT THE COMMITTEE OF TRADE & PLANTATIONS AT THE COUNCIL CHAMBER AT WHITEHALL SATURDAY THE 8th OF FEBry 1679 (-80)

Present

Prince Rupert	Earl of Bath
Lord Privy Seale	Earl of Sunderland
Duke of Albemarle	Earl of Essex
Marq. of Worcester	Mr Hyde
Earle of Bridgewater	Mr Secry Coventry

Mr Seymour.

In pursuance of an Order of the 4th inst appointing the Committee to examine the business of the late Rebellion in Carolina and the seizure of his Majtys Customes by John Culpeper and others, the Lords Proprs of that Province are called in, viz: the Earl of Shaftesbury, Earl of Craven and Sr Peter Colleton, Whereupon the Earl of Shaftesbury assured the Committee that speedy care should be taken to furnish their Lops with a copie of their Patent and an Answer to their Lops Circular letter and Inquiries transmitted to them sometime past.

After which entering into the matter of the Rebellion his Lop informs the Committee that about the year 1677 the Proprietors sent over one Eastchurch to bee their Govr of Albemarle County who staying some time at Antego deputed Mr Miller (who was besides Collector of the King's Customes and his Lops Deputy) to goe and settle the Country after whose arrival the Rebellion broke out, That Miller is no Sectary but given to drink, and that the accusation of High Treason was brought against him spightfully and out of malice That upon his arrivall hee undertook to modell the Parliament there which gave the people occasion to oppose and imprison him Whereupon Mr Durant Capt Guillam and

Culpeper agreed together to defraud the King of his Customes. The Proprietors doe further promise to send the Committee a particular Narrative of the Rebellion.

Sr Richard Temple one of ye Comm^rs of the Customs attends and declares that Culpeper had noe authority to seize the King's customs, Whereupon an account of the Customs seized by Culpeper is read which Mr Miller had delivered upon oath to the Commiss^rs of the Customs amounting to £1242 8^s 1^d and 817 Hogsheads to which Culpeper replies that there was a lawful Assembly set up by whose authority hee did act, and that the people of Carolina agreed upon him as their Collector after the imprisonment of Mr Miller as a Collector had been appointed by the Country in Virginia after the death of Mr. Bland.

The Lords Proprietors acquaint the Committee that the authority which constituted Culpeper Collector in the place of Miller was rebellion Whereupon Mr Miller produces a paper written with Culpeper's own hand forbidding all persons to meddle with the Customs besides himself which hee had posted up upon reading whereof Culpeper says it was his Proclamation and excepts against the testimony of Mr Miller as being Traitors against the King.

Mr Hudson, Mr Summers and Mr Tayler being sworn depose that Culpeper did abett the Rebellion and incite the people against the King and the Proprietors and that all the Proprietors Deputys were imprisoned by the Rebells except Foster who joyned with them.

After the examination of ye witnesses Culpeper desires hee may bee tryed in Carolina, and if that may not bee granted him hee acknowledges the fact and begs His Maj^tys^ pardon which hee hopes hee may the more deserve since at his first arrival in England, hee waited on the Commissioners of the Customs and gave them a true account of the King's customs in Carolina and promised to make payment of them.

The Lords Proprietors inform the Committee that the Country is now quieted and propose that the persons that were guilty of seizing and disturbing the King's Customs may bee obliged to reimburse the King and not the whole Country by a Tax to bee laid on them.

And the Commissioners recommend to the Committee that Culpeper may not bee pardoned till the King bee satisfyed for his Customs.

The Lords direct Capt. Gilham who is accused by Mr Miller and others to have had a hand in the Rebellion to attend on Munday next in order to his examination.

[B. P. R. O. Colonial Papers.]

SIR P. COLLETON TO Mr BLATHWAIT 9 FEBRUARY 1679–80.

Sr,

The bearer hereof will give you a Narrative of the passages of Albemarle as they have apeared to the Proprietors by letters & informations of psons come from thence with which I should have waited on you myselfe but that I am so extreamely ill of the gout that I am not able to stand wch I hope will excuse

Yor humble servant

P COLLETON

this 9th of
February 1679

[B. P. R. O. Colonial Papers.]

THE CASE BETWEEN THOMAS MILLER COLLECTOr OF HIS MAJts CUSTOMES & CAPT. ZACHARIAH GILHAM CULPEPER DURANT CRAFORD & OTHERS PRINCIPAL AUTORS & ACTORS IN Ye LATE COMOTION AND DISTURBANCES THAT WERE IN THE NORTHERN PART OF THE PROVINCE OF CAROLINA

Mr Cartwright (who was related to Mr Vice Chamberlaine one of yr Proprietors) being Governr of ye Northern part of Carolina & being returnd for England & having left ye Governmt there in ill order & worse hands the Proprietrs resolved to send another Governr & such a one if they could be fortunate in their choyce as would put in execution their Instructions ordrs & designes The formr Governr having very much failed them especially in 2 poynts—The first was the incouraging of the New England Trade there—The 2d was their discouraging the planting on the south side of the river Albemarle. The latter was extreamely the interest of the Proprietors but crost allwayes by ye Governrs & some of ye

cheife of ye Country who had ingrosit ye Indian trade to themselves & feared that it would be intercepted by those that should plant farther amongst them. The illness of ye harbours was the cause that this Northern p^rt^ of Carolina had no other vent for their Comodityes but either by Virginia where they paid dutyes to ye Governm^t^ or to New England who were the onely imediate Traders wth them; And ventur'd in, in small Vessells & had soe manadg'd their affayres that they brought their goods att very lowe rates, eate out & ruin'd ye place, defrauded ye King of his Customes & yet govern^d^ the people ag^t^ their owne Interest. to cure those evills the Prop^rs^ made choyce of one Mr Eastchurch to be their Govern^r^ a Gent^n^ of a good fame & related to the Lord Trea^r^ Clifford who had recommended him to ye Prop^rs^ formerly for that place & had ye promise of severall of us. In Summer 1677 we dispatched away the s^d^ Mr Eastchurch together with Mr Miller who was ye K^gs^ officer and made by us one of our Deputyes It happen'd soe y^t^ they went not directly for Virginia but took their passage in a ship bound for Nevis where Mr Eastchurch lighting upon a woman y^t^ was a considerable fortune took hold of the oppertunity marryed her and dispatched away Mr Miller for Carolina to settle affayres against his comeing who carryed with him ye Comission of ye Lds Prop^rs^ to their Deputyes and Comission from Mr Eastchurch himself that made Miller Presid^t^ of ye Councill untill his arrival and gave him very full and ample powers. Miller arriveing in Carolina with these Comissions is quyetly received into ye Governm^t^ & submitted to not onely as Govr but ye K^g's^ Collecto^r^ in ye discharg of wch duty as Collecto^r^ he made a very considerable progress. But as Govern^r^ he did many extravagant things, making strange limitations for ye choyce of ye Parliam^t^ gitting pow^r^ in his hands of laying fynes, wch tis to be feared he neither did nor meant to use moderately sending out strange warrants to bring some of ye most considerable men of ye Country alive or dead before him, setting a sume of money upon their heads: these proceedings having startled and disaffected the people towards him there arrives Capt. Zachariah Gilham with a very pretty vessell of some force and together with him Durant and about the same time Culpeper they brought with them severall Armes wch were for Trade in ye Country and findeing that Miller had lost his reputation & interest amongst ye people stirr'd up a Comotion seized him and all the writings belonging to ye Prop^rs^ and all the Tobacco & writings belonging to ye Kings Customes, imploying ye K^gs^ Tobacco towards ye charge of maintaining & supporting their unlawful actions And wch aggravated the matter very much Durant had in England sometyme before this Voyage declared to some

of ye Prop^rs^ that Eastchurch should not be Governo^r^ & threatened to revolt. Capt. Gilham was a fitt man for his turn having been turn'd out by some of ye Prop^rs^ of a considerable imploym^t^ in Hudson's Bay wherein he had very much abused them.

Culpeper was a very ill man having some tyme before fled from South Carolina where he was in danger of hang^g^ for laying the designe & indeavouring to sett the poore people to plunder the rich. These with Crafurd & some oth^r^ New England men had a designe (as we conceive) to gitt ye trade of this part of ye Country into their hands for some years att least And not onely defraud the King of all his Customes but buy the goods of ye Inhabitants att their owne rates for they gave not to them above halfe the vallue for their goods of wch the Virginians sold theirs for.

Not long after this imprisonment of Miller & that these generall men had formed themselves into w^t^ Mr Culpeper calls ye Govern^t^ of ye Country by their owne authority & according to their owne modell, Mr Eastchurch arrives in Virginia whose authority & Comission they had not ye least colour to dispute & yet they kept him out by force of armes soe that he was forced to apply to the then Govern^r^ of Virginia for aid and assistance from him to reduce them wch had been accordingly donne but y^t^ Eastchurch unfortunately dyes of a feavour Presently after this these Gentlemen that had usurped ye Govern^t^ & cast of and imprisoned our Deputyes that would not comply wth them sends over 2 Comiss^rs^ in their names to promise all obedience to ye Lds Propr^s^ but insisting very highly for right against Miller. The Prop^rs^ perswaded one of their owne Mem^brs^ Mr Southwell to goe over & be Gover^nr^ himselfe to whome they promised the utmost submission (he being a very sober discreet gentleman) & was allsoe authorized from ye Comiss^rs^ of ye Customes to take care of ye Kings concerns there which wee conceive he would have settled in very good order but that he was unfortunately taken by ye Turks in his passage thither, And upon whome the settlem^t^ of the place very much depends it being a very difficult matter to gitt a man of worth and trust to go thither. His redemption is every day expected and in ye meanewhile we have dispatched one Mr Holden with Comissions & Deputations for the Govern^r^ to those that we did imadgine would manage it with most moderation who sends us word that all is now quyett & peaceable But his Maj^ty^ ought to have an exact acc^t^ and reparation for the damadges donne in his Customes and his officers repayed the charge of wch ought

ally upon those that have been the cheife Actors

(Indorsed)

[WM. BLATHWA ler, Z. Gilham &c concern^g The Rebellion of Car-
Y^e LORDS
YE C Sr P. COLLETON
e 9th of Feb^ry
1679–80.

Sr
Capt. Gill
Maitys

[B. P. R. O. COLONIAL PAPERS.]

THE AFFIDAVIT OF EDWARD COOKE MARIN^r WHO DEPOSED SAITH

That in May 1676 this Deponent being then in Albemarle in Carolina did see Mr Thomas Miller then und^r a guard of soldiers a prison^r upon an accusation of seditious or treasonable words as reporte went for wch they were carrieng him from thence into Virginia to be tryed by S^r Wm. Berkly and his Counsell. And further this depon^t saith that in June following he sawe ye s^d Miller in Virginia who after he was acquitted of ye s^d accusations gott out his pass and in July following came on board the shipp Constant of London Capt. Jacob Hayes Command^r this depon^t then being one of the said Hayes mates of ye shipp and the said Miller came home in the shipp with us that voyage and further saith not

EDWARD COOKE

Nono die februarii 79
jurat cor: me
ROBT. CLAYTON Mayo^r

[B. P. R. O. COLONIAL PAPERS.]

The affadavitt of Henry Hudson aged 54 yeares or therabouts Saith

That in July 75 this deponent being att the house of one Mr Jo^n Jenkins in Albemarle County in Carolina did then and thier both here and see a designe Contriveing and Carrying on by Jo^n Culpeper Thomas Willis and the s^d Jenkins wife against Mr Thomas Miller privately in

the s[d] Jenkins Lodging & chamber where the s[d] [illegible] & threatened to sometimes drinking togeather wth the aforementi[d] [illegible]ing been turn'd out was to lay the s[d] Miller und[r] the imputation o[f] [illegible]son's Bay wherein words and did also draw in one Will[m] Cockin to t[he] [illegible] after (as was credibly reported) ran away und[r] ho[t] [illegible]e fled from South appeared by severall evidences thier my affedavitt [illegible] the designe & amply then att p[r]sent I can in each circumstance [illegible]ch. These with sworne too before y[e] assembly of Albemarle afores[d] [illegible]as we conceive) w[ch] accusation the s[d] Miller was Committed in irons a[nd] [illegible]nds for some Jenkins and remaind a long time after a prissoner until [illegible]mes but date of S[r] W[m] Berkeley the s[d] Miller was in May 1676 sent p[r] [illegible] into Virginia for tryall before y[e] s[d] S[r] Will[m] Berkeley & Counsell thier where the s[d] Miller in the afores[d] yeare was cleared and acquitted of the afores[d] Imputato[n] as did appeare to the Deponent by a Coppy of the Order of the said Sr Will[m] Berkeley & Counsell dated at James Towne and attested by M[r] Henry Hartwell Clark of the Counsell thier w[ch] was brought the Deponent by the hands of Timo. Biggs Esq. Deputy for the Earle of Craven who was att that time p̄sonally p[r]sent with y[e] s[d] Miller in Virginia as he told this deponent w[ch] said Coppy the Deponent hath now left with his other papers in Albemarle aforesaid And further the Deponent saith that the said Miller upon his goeing for England the afores[d] yeare sent order to the Deponent who was then the Atturney of the s[d] Miller appointed by y[e] Court for secureing the s[d] Millers estate that he should lay actions of Consperacy att the suite of the s[d] Miller against the said Culpeper Willis and others w[ch] this deponent accordingly did and further this deponent saith that after the returne of the said Miller out of England into Albemarle againe in y[e] yeare 77 that the said Action of Consperacy upon the humble submission of the s[d] Culpeper by his letter and petition to y[e] said Miller was lett fall and further the deponent saith that the very accusation about treason now brought against the s[d] Miller since y[e] rebellion broke out in Albemarle Dec. 77 was y[e] very same for w[ch] y[e] s[d] Miller was tryed & acquitted in y[e] yeare 76 in Virginia as afores[d] and further the deponent saith Willis and Cockin the two afores[d] Wittnesses against the s[d] Miller were run away out of the Country long before the s[d] Millers returne out of England and further saith not

HEN. HUDSON

Jurat 16° die Februarii
Anŏ D[ni] 1679 Coram

H. GREGORY

[B. P. R. O. Colonial Papers.]

[Wm. BLATHWAYT] TO Mr GUY "ABt THE MEETING OF Ye LORDS PROPRIETORS OF CAROLINA AND YE COMMrs OF Ye CUSTOMES" 19th FEBry 1679–80.

Councill Chambr 19 Febv 1679–80

Sr

Capt. Gilham who stands accused by Mr Miller late Collectr of his Majtys Customs in Carolina for having abetted a Rebellion and contributed to ye embezlemt of his Mats Customs there was this day examined by the Lords of ye Committee of Trade & Plantations But their Lordps finding no direct proof agt him have left him under an obligation of further attendance in case any proof shall be hereafter brought agst him And in ye meantime their Lordps have desired the Lords Proprs of Carolina and the Commrs of ye Customs to meet & confer together in order to agree on some proposal for resetling that government & the peaceable & due collection of his Mates Customs in that Province and to make report thereof unto the Committee which therefore I impart unto you that ye Right Honble the Lords Commrs of his Majtys Treasury may please to give directions to ye Commrs of ye Customs accordingly

I am with all respect.

[B. P. R. O. Colonial Papers.]

THE AFFIDAVIT OF TIMOTHY BIGGS OF THE COUNTY OF ALBEMARLE IN THE PROVINCE OF CAROLINA.

That some tyme in the yeare 1675 was sent into the County of Albemarle als Roanoake in the province of Carolina a Box directed to the govrnr or deputy Governor of the sd place in wch was a Comission to one Copely & an other to one Birch, the one to bee Collectr & ye other Surveyor for the Collecting A certaine dutie off 1d ℔ lb imposed by Act of Parlemt upon Tobacco &c. transported to New England or any othr of his Maties Collonies in America & wthall A letter from the Comissrs of his Maties customes in England Directing the Governr that in case the sd Copely & Birch were not in the Country that then the sd Governor should place other persons in their Roomes & to looke after the Collect-

ing the s[d] Revenue, w[ch] orders the then speaker instead of A Governo[r] wth the Assistance of the Counsell goeing about to put in Execution were underhand or clandestinlie oposed therein by one Crawford wth others & some New England Men then there tradeing the s[d] Crawford endeavouring to ꝑswade the people that it would be a great inconvenience for to submit to this paym[t] and that the New England Men did intend to raise their Comodities double if such paym[t] of 1[d] ꝑ ℔ were exacted from them, Upon w[ch] the people were very mutunous and reviled & threatened y[e] Members off the Counsell that were for settleing y[e] s[d] duty however y[e] s[d] duty was setled and one Bird apointed Collecto[r] who went on collecting y[e] same untill the yeare 1676 In w[ch] yeare there being A warr wth y[e] Indians & the people of the s[d] Countrey for y[t] reason in armes they were perswaded by Geo. Durant, Valentine Bird the Collecto[r] & one White wth others to fforce the Governo[r] to remitt to the New England men (by whose hands were brought to them all sorts of English Comodities) three farthings of the s[d] 1[d] ꝑ ℔ the s[d] Durant haveing then a considerable quantitie of Tobacco to receive & w[ch] hee was to shipp for New England as this Deponant hath heard the s[d] Durant say

In July 1677 M[r] Tho. Miller arived in the s[d] County bringing wth him A Commission to himself to bee Collecto[r] of the s[d] Duty & also A Lett[r] from his Ma[tie] comanding y[e] Governo[r] & all other Offic[rs] to bee assisting to him in Collecting the s[d] duty & calling all other former officers to accompt and also A commission from M[r] Tho. Eastchurch y[e] Governo[r] of the s[d] County for him the s[d] Miller to bee Presid[t] of the Counsell of y[e] said County and Comand[r] in cheife dureing the absence of the said Eastchurch who with the assistance of the Counsell of the s[d] Countie resettled the Collecting of the s[d] Duty & called the form[r] Collecto[r] to accompt for what he had rece[d] and all people haveing quietly submitted to the same & the New England Men complied in payeinge their duty & this Deponent who was Commissionated by the aforesaid Thomas Miller to bee one of his Deputie Collecto[r] had rece[d] about 100 Hogsheads of Tobacco for his Ma[ties] account and had seized severall parcells of goods judged to be imported contrary to Law w[ch] was done without anie opositon w[ch] quiet posture of Collecting his Maj[ties] s[d] Duty continued untill the Arrivall of one Capt. Guillam from London on Saturday the last of Novemb[r] or 1st of December 77 in whose shipp came the afores[d] Geo. Durant from London also upon whose comeing the afores[d] Crawford Bird and severall other went on Board the s[d] shipp to the s[d] Durant & on the Monday following one Wells and severall others by the ꝑswasion of the said Bird came with Musquetts & swords to the house of this Depon-

ent and broke open Chests & Locks and violently tooke away the said Millers Comission & Instructions for collecting the s^{d} duty of 1^{d} ℔ lb and the Records of the s^{d} County wch were there & carried them to the afore menc̄oned Crawfords house and Vallentine Bird with one Willm Seeres & Willm Je^{n}ings wth a party of armed Men seized upon this Deponent, the afores^{d} Tho. Miller & J^{no} Nixon Esqr a Member of the Counsell & tooke from them all their papers and kept them close prison^{rs} not suffering them to speak wth anie Body or one wth the other & then sent out parties to secure ye rest of his Maj^{ties} Collecto^{rs} and all the Memb^{rs} of the Counsell and other officers y^{t} would not submitt to them, some of wch were seized & others fled into Virginia, and the s^{d} Rebells tooke into their possession the Tobacco that had beene rec̄ed upon the s^{d} duty of 1^{d} ℔ lb and also the goods that had beene seized for haveing beene imported into ye s^{d} County contrary to the Acts of trade and Navigation. After wch the s^{d} Crawford together wth ye s^{d} Durant wth others who then openly joyned wth them did with their party who had beene furnished with new Armes from on Board ye s^{d} Guillams shipp Convey the s^{d} Tho. Miller Jno Nixon and this Deponent & severall others who had beene brought in prison^{rs} to the house off the s^{d} George Durant and there kept them close prison^{rs} and often threatened to hang them, haveing sett up A Court & governm^{t} after their owne fashion, But this Deponent ffindinge an opertunity made his escape and fled into Virginia and from thence came into England and left the s^{d} Tho. Miller in Irons wth severall others of his Maj^{ties} Collecto^{rs} and other officers prison^{rs} and whilest this Deponent was kept A prison^{r} New England vessells went thence wth Toba^{co} wthout paying ye s^{d} duty & further saith not.

TIM^{o} BIGGS

in or about May 79

This is a True Coppy of my affidavitt wch I delivered in ye p^{r}sence of ye Duke of Albemarle unto ye Ld Tresurer by ord^{r} of ye Lds Propriat^{rs} of Carolina the wch they perused & ordrd that I should draw a petition to the Kings Matie & Counscill & upon a Counscill day that I should p^{r}sent it the wch ye Lds Prop^{rs} afores^{d} at a meeting ordrd mee to proceed in apoynting ye Tyme saying as many of them as were of the Counscill would be p^{r}sent at p^{r}senting it & forward mee in it But before the time apoynted the s^{d} L^{ds} mett a monge them selves & for some Reasons best known to themselves Comanded & ordered mee to desist

This is for a trouth

Given und^{r} my hand this 15th Augt 1679

TIM^{o} BIGGS

Dep^{ty} for ye Earle of Craven

I the subscrib[d] doe Averr and am ready to be deposed y[t] y[e] attestation and averrm[t] above said and p[r]te on the other side to the deliv[ry] and tender of y[e] aforementioned Affidavitt be the hand writeing of M[r] Timothy Biggs

J[no] TAYLOR
1679

[B. P. R. O. Colonial Papers.]

ANSWER OF CAPT. GILLAM READ THE 19[th] OF FEB[ry] 1679–80.

Zachariah Gillam makes Answer to y[e] charge brought against him by M[r] Thomas Miller, as far as he can rememb[r] and saith

That he knew not of any disturbance in y[e] Country upon his arrivall thair but afterwards what happened among them he was not concerned in, nor did att that time know y[e] occasion.

That he knew not of M[r] Millers Imprisonment untill near 2 days after it was done, being on board his owne ship all that time.

That he forboare to sell any good[s], not knowing who to trust but rather than goe away with his ship Empty (w[ch] if done would have bin great loss to his Marchants) he sold his goods for Tobacco & Skins which came for England & paid his Ma[tie], near two thousand pound Custom, which his Ma[tie] never before Received directly or indirectly since that province was seated as hea heard of As to his going Armed; The first daye he came into y[e] Country, he tendered an Entry to M[r] Thomas Miller who was his Ma[ties] Collector theare, he Asked him what tobaco he carried out of y[e] Country ye year before, he told him neare 180 hhds y[e] s[d] Miller made answer y[t] he must have one penny ℔ lb. for itt, Gillam made answer y[t] he had paid the King his Custom in Engl[d] & did not judge his Ma[tie] desired his Custom twice (w[ch] payment he proffered to make appeare by y[e] ships Entrys & clearings in England & Sertificate of thair bonds) he y[e] said Miller told him he would be paid before y[e] shipp went out of y[e] Country, on which he told him y[t] he arrested him & told him it shold be nobly done for he would doe it himselfe & Imprisoned all his boats Crew & seased his papers & then went on board his shipp Armed with two pistolls & presented one of them to y[e] breast of his Mate Cockt & laden as by Evidence maye apeare. y[e] time near a 11 at night.

The said Gillam went y[e] next morning & had his papers delivered to him noe man Coming into y[e] house but himselfe That he supplyd y[e]

Country wth Arms & Amunition for their defence Against ye Heathen wch I had done ye year before & ye year since & sold other goods to those persons I knew Responcible but would not trust others untill I saw what thair paye was.

That being at ye Court when Mr Miller was question'd thear (for treasonable words) it was his bisones to speake with ye Inhabitants they being his customers wch is usuall in those Countrys ye pepell living far distant & could thair dispatch as much bisones in one Daye as he could otherwayes in a weeke

That his given drinke to ye peopell it was as they was customers to him (noe otherwayes) & Mr Miller had his sheare of itt.

That Mr Miller charges him with his Imprisonment on board ye ship ye said Gillam was then on shoare & knew nothing of his Restraint on board but when ye said Gillam came on board being neare 12 at night & told him he was wellcome to goe or staye & gave him what Accomodation ye ship would Aford

ZACK: GILLAM.

[B. P. R. O. Colonial Papers.]

PETITION OF TIMO BIGGS TO THE KING

[19 February 1679–80.]

To the most mighty and Serreine Prince Charles the Second and Great Kinge off England Scotland France & Ireland Defendor of the faith &c

The most submiss and Humble Pettition of Timo Biggs Comp^{r} and Survay^{r} Gen^{rll} of Yo^{r} Maties Customs in Albemarle County in the Province of Carolina & dep^{ty} for the Rt. Hon^{rble} the Earle of Craven one of the Lords Propriatt^{rs} Therof

With all Humility most Humbly sheweth That yor Pittitioner wth three of the Lords Propriatt^{rs} Dep^{tyes} & yor Maties Colect^{r} & all his officers & the officers of the Governm^{t} were one the 4th day of December in ye yeare 1677 were by a siditious ffactious & Rebelious Rable mustered in Armes vialently seazed & imprisoned & all y^{t} would not joyne wth them were forced for refuge sake to fly in to Virginia who wer also of ye Goverm^{t} & Parlam^{t} upon false pretences & suggestions as the inclosed deposition will manifest to trouth of wch are severall Evidences—the wch was by his Grace the Duke of Albemarle delivered to the Lord Treasurer, In ord^{r} to bringing it befor yor Ma^{ty} & yor Pittition^{r} accordingly ordered

there unto Butt after againe Comanded the Contrary & sent Bake after a great charge & trouble to yor pittitioner to Albemarle wthout any Redresse where yor Pittitioner & loyall subjects have no safety but by und^{r} unsufferable oppression as appeares at large ℔ ye inclosed being Copy of a Lett^{r} to ye Propriat^{rs} for releafe but none appeareing

Yo^{r} most humble pittitioner in behalfe of himselfe & sondry other great Sufferors as well for protection ffor yor ffuter officers as discountinance to Rebellions wth all Humilitye prayes yor Matie To take some speedy course & care to reduce ye same & satle the govern^{t} on that firme foundation as may give discoridgem^{t} to such proceedings for ye ffutt^{r} whereby yor subjects may be safe in the Injoyments of yor Rights & Libertyes the wch a vessell drawing seaven foot watt^{r} wth sixty men & tenn guns wth ord^{rs} to Virginia Goverm^{t} assistance if occasion require will effect & wthout wch will no lawfull Govern^{t} be obeyed & yor pittioner as in duty bound will ever pray

TIMO BIGGS

1679.

[B. P. R. O. Colonial Papers.]

The affidavitt of Solomon Summers of Redriffe shippwrite in ye County of Surrey who deposed saith :

That in or about ye middle of July 1677 carrieing Mr Tho. Miller from Burmudos to Albemarle in Carolina in a small shallopp calld ye Success fitted maned & set to sea upon ye cost acco^{t} & adventure of ye s^{d} Miller then as his Ma^{tyes} Collect^{r} & concern^{d} alsoe for ye Lds Propriat^{rs} as Comand^{r} in cheife in all matt^{rs} Civill & Military in ye s^{d} County during ye absence of Tho. Eastchurch Esqre then Govr since deceased as by sundry Comissions Instructions & other writeings from ye Lds Propriat^{rs} ye Comiss^{rs} of the Customes & ye s^{d} Govr wch ye depon^{t} saw did appeare and upon ye 2^{d} or 3^{d} day of ye s^{d} Miller's arrivall there was great abuse & affronts offered to him in ye depon^{ts} sight & hearing (without any provocation given by ye said Miller) by some of y^{r} inhabitants there (meerly as ye depon^{t} conceives) by reason he was his Maj^{tys} Collect^{r} & had power to call them to acco^{t} for his Maj^{ts} dues wch in ye yeare before viz 76 they had deposed & had alsoe subverted ye then Govern^{t} und^{r} ye Lds Proprit^{re} as ye depon^{t} was there credibly informed the more p^{r}ticularly by one Patt White was the s^{d} Miller violently assaulted att one Mr Rich : Fost^{rs} house ye said White & swearing y^{t} he could freely run his knife

were itt not for feare of ye law into ye s^d^ Miller & y^t^ he would never have the Kings Customes settled there as long as he lived wth many other words to this or worse purpose uttred by ye s^d^ White & his wife & others but ye s^d^ Miller not much heeding those abuses but goeing further by into ye Country in prosecution of his ord^rs^ in ye first place sommoned ye Assembly to appeare to whome he showed & in whose heareing (to this depon^ts^ certaine knowledge) he caused to be published all his fores^d^ Comissions & Instructions & then reduced & quietly ye Indians setled ye Malitia brought ye Inhabitants to a good ord^r^ & peaceable decorum & lastly settled his Maj^tys^ affaires in reference to the customes & all this done w^th^out ye least dropp of bloodshed wch peaceable & quiett posture of affaires to ye then general satisfaction of ye inhabit^ts^ soe continued from July afores^d^ notw^th^standing the seditious designes of a few there till ye X^ber^ following att which time upon ye arrivall of Capt. Zach. Gillam from London wth store of armes & amunition on board his shipp a rebellion (as y^r^ depon^t^ supposeth) broake out contrived & caried on by John Culpeper Richd Fost^r^ Jno. Jenkins Ja. Blunt Jno Willoughby Wm. Crawford Geo. Durant Patt White & other their Confed^r^ates & New England Trad^rs^ wherein (after ye publique Records by a party of men in armes) being first seized wth all ye s^d^ Millers publique & private writeings &c. severall lockes being broake open in ye Action ye Govern^t^ then settled & subverted all in authority & all other ye inhabitants y^t^ would not joyne in ye s^d^ Action either menaced ov^r^awed assaulted disarmed robbed seized & imprisoned or chased out of ye Country And about 14 or 15 dayes after then first riseing thus in Armes a generall rendezvous or meeting beeing held at ye afores^d^ Durants house ye s^d^ Miller by beat of drum & a shout of one & all of ye rabble was accused of Blasphemy, Treason & though in all this time before there was not any such talke ag^st^ the s^d^ Miller as y^s^ depon^t^ heard butt all quiettly submitted to ye s^d^ Miller & ye rest in authority soe long time as is afores^d^ upon wch by a 2^d^ shout of one & all of ye s^d^ rabble ye s^d^ Miller was clapt in irons wch this depon^t^ saw & further heard many irreverend speeches ag^st^ his Maj^ts^ Proclamations & some of them saing if ye Govr or Lds either were there they would serve them in like mann^r^ thereupon they p^r^ceeded to choose an Assembly or Parlam^t^ soe called their drum^r^ being one of their Burgesses this Parlam^t^ deputed 5 of their members to joyne wth ye fores^d^ Foster to make a Courte this Courte appoynted a Jury out of ye fores^d^ rabble the foreman whereof was one Mordichy Bouden a New England traid^r^ & one much indebted to his Maj^tys^ for Customes & upon their returne of ye s^d^ Miller's charge or indictem^ts^ they were resolved to have put him to death for sev^r^all had

vowed & sworne itt but att y^t^ time ye coming in of ye Gov^r^n^r^s Proclamation wch ye afores^d^ Ringlead^rs^ would nott permitt to be openly shewn & wch he sent in from Virginia to them he newly arriveing there, did p^r^vent itt Whereupon ye s^d^ rabble desisted from proceeding further wth ye s^d^ Miller's life only after seizing havockeing and embezzling his estate in w^t^ev^r^ specie wherew^th^ to be found & deprived him of ye use & benefitt of his stocke & plantations yea of his owne necessaryes committed him in irons & all ye rest of his Maj^ts^ Custome offic^rs^ & almost all ye rest in authority close prison^rs^ & sent a strong guard to impede ye s^d^ Gov^r^n^r^ comeing in amongst them till about 5 weekes after he died in Virginia in wch jnncture ye s^d^ Culpeper assumeing ye title of his Maj^tys^ Collect^r^ by ye promotion & asssistance of ye afores^d^ his Complyces violently took his Maj^ts^ concernes out of ye s^d^ Miller's hands p^rt^ whereof y^t^ was rec̄ed by ye s^d^ Miller's orders & was allsoe marked for his Maj^ts^ use this depon^t^ saw ye s^d^ Culpeper scratch out ye markes of sundry of ye Hogsheads and dispose of them to some New England traid^rs^ & others and further this depon^t^ saith y^t^ ye s^d^ Capt. Zach: Gillam refusing to obey ye Gov^r^n^rs^ Proclamation wch as afores^d^ was sent in traided wth ye s^d^ Rebells & very frequent in Company wth them in those Confusions sent much Tobacco into Virginia this depon^t^ being then in his employ although befor he ye s^d^ Gillam would not open store to sell goods till he sawe w^t^ was done aboute ye s^d^ Miller & ye rest in authority and in May 1678 following this deponent deputed y^t^ County wth ye s^d^ Gillam & left ye s^d^ Miller in a logghouse 10 or 11 foote square purposely built for him close prison^r^ & kept from all access of friends or humane converse none suffered to come neare him debarrd from pen inck & paper by ye s^d^ Culpeper & his Complyces & this depon^t^ a little before he came away was threatned his life if he offered to furnish him wth writeing materialls or to come near ye s^d^ Miller further this depon^t^ saith at ye time when s^d^ Miller was their prison^r^ he sawe sundry Hds Tobacco shipt of by Josh. & Caleb lamb 2 New Engl^d^ traid^rs^ from ye afores^d^ Crawford's plantation und^r^ ye motion of Bate as the said Lambs did afterwards publiquely owne and boast of And furth^r^ this depon^t^ saith y^t^ about ye time ye s^d^ Culpeper was bound to New England wth ye s^d^ Gillams sonn viz: Benj. Gillam wth a vessell load of Tobacco, and further saith not

SOLOMON SUMMERS

Jur^t^ 31° die Januar: 1679 to the contents of the other side coram
Wm MOUNTAGU. SOLOMON SUMMERS

[B. P. R. O. Colonial Papers.]

The Affidavit of Peter Brockwell aged 28 years or thereabouts Saith That in 8^{br} 1677 he came into Albemarle in Carolina where ye deponent knew Mr Thomas Miller owned as President and Command^{r} in Cheif of ye County und^{r} ye Govr for ye Lds Propriet^{rs} of the s^{d} Province and was so obeyed by all in generall there & till the arrivall of Capt. Zachariah Gillam in December that yeare upon whose Arrivall a great disturbance or Rebellion (as ye deponent humbly conceives) broke out wherein ye Deponent was forcibly concerned and taken out of his bed to go with a party of men in arms to seize ye publique records of ye County in the first place and then ye next day after that the said party of men seized the s^{d} President and other of the Lords Prop^{trs} deputyes prisoners and so kept them under a strong guard for about 14 or 15 dayes at one Wm. Crafords house against which house the said Gillam rid his shipp with Jack ancient flagg and penon flying and did also furnish the said party of men with new guns and scimiters from his shipp in the s^{d} action And when ye afores^{d} President and the other Deputyes were carried round by water to George Durant's house (which was ye place appointed for ye generall meeting) in Company of severall boats of armed men ye s^{d} Gillam's ship fired of 3 guns as they passed by and when they came to ye s^{d} Durant's house, the very next day the rabble there met, sent for a box belonging to ye s^{d} President which (as they said was hid in a tobacco hogshead wherein was aboundance of writings which the Deponent saw and then forthwith upon it by beat of drum and a shout of one and all they accused the s^{d} Miller of treason & other crimes, although till this tyme ye Deponent heard no mention made of treason agst ye s^{d} Miller and thereupon they clapt ye s^{d} Miller in irons: then proceeded and out of the rabble chose ye Parliam^{t} their drum̃er making one of them & then out of this Parliam^{t} they seperated 5 of ye members namely John Jenkins Wm Craford Patricke White James Blunt and Valentine Bird (since deceased) to joyne with one Mr Richard Foster to make a Court before whom they brought two of ye L^{ds} Prop^{rs} Deputyes who were accused by them for severall crimes wch the Deponent doth not now remember and then appointed a grand Jury out of ye s^{d} Rabble and brought ye s^{d} Mr Miller also before them for treason and other matters wch imputation of treason ye s^{d} Miller had been long before cleared and acquitted from by S^{r} Wm. Berkly and Councill in Virginia as ye Deponent heard severall persons in those parts after affirme and further this Deponent saith that the said Capt. Gillam was severall days amongst the s^{d} Rabble at Durants house

and the Deponent heard severall of the soldiers say that ther was a great deal of drink coming to y^m^ upon ye said Gillams account and further the Deponent saith that he heard of ye Govern^rs^ Proclamation wch was sent in from Virginia upon wch ye s^d^ rabble broke up and sent ye said Miller prisoner in Irons as hee was to ye upp^r^ end of Pasquotanck River at one old Wm. Jennings his house under a strong guard to whom none was admitted to speake except publiquely and a little while after ye Deponent saw ye s^d^ Mr Miller enclosed in a Logghouse about 10 or 11 foot square purposely built for him wherein he was kept from all accesse of friends or humane converse debarred from pen inck and paper and ye other L^ds^ Dep^tys^ that would not joyn in ye s^d^ action comitted also prison^rs^ apart from one another & some of y^m^ sent far from their homes And further the Deponent saith that one John Culpeper was ther cheif Scribe Councello^r^ & Collecto^r^ and George Durant their Attorney Generall and one of y^r^ Agents and one Mr John Willoughby anoth^r^ of y^r^ Agents, many things besides that were in those tymes done & acted by ye forementioned Partyes and y^r^ Confederates ye Deponent by reason he was then sickly cannot positively remember therefore at present farther saith not

PETER BROCKWELL

Jurat 16° die Februarii
A^no^ D^ni^ 1679 coram
W GREGORY

[B. P. R. O. Colonial Entry Bk. No. 106. p. 127.]

AT THE COMMITTEE OF TRADE & PLANTATIONS IN THE COUNCIL CHAMBER AT WHITEHALL THURSDAY Y^o^ 19th OF FEB^ry^ 1679 (–80)

Present

Prince Rupert — Earl of Bridgewater
Lord Privy Seale — Earl of Essex.
Duke of Albemarle. — Sr Leolin Jenkins

* * * *

Capt. Gilham who is accused by Mr Miller to have had a hand in the Rebellion of Carolina is called in as alsoe the Lords Proprietors viz: the Earl of Shaftesbury and Earl of Craven and Sir Richard Temple one of the Commissioners of the Customs, Whereupon the information of Peter

Broekell and Solomon Summers against Capt. Gilham as also Capt. Gilham's Answer are read, and Peter Brockell being sworn further says that hee can't see that Capt. Gilham did act in the Rebellion but that hee sold arms indifferently to all persons And Solomon Summers deposes that Capt. Gilham did often conferr with the Rebells and sold them arms and that hee did not obey the Proclamation for settling the Peace when it was delivered to him.

Thomas Miller being alsoe sworne says that the person that seized him had Capt. Gilham's sword and that Capt. Bird, Capt. Crawford and William Nevill who were eminent in the Rebellion had alsoe swords from Gilham And that when upon the first arrival of Gilham hee went on board his ship hee was seized there and kept prisoner above an hour and a half after Capt. Gilham was on bord, and that hee said to him, Now you are my prisoner and that hee would not let him stirr unless it were to make water and that hee saw Crawford Forster and Durant come on board in company with Gilham and that they continued firing and shooting a long while. The affidavit of John Taylor is also read.

To all which Capt. Gilham makes answer that hee had noe other conversation with any person but as they were his customers and was in noe manner concerned there but to sell his goods and that Miller had been three hours in his shipp before hee came on board which was about twelve at night and that hee came hither in an insolent Hectoring manner and had free leave to goe off when he pleased. Capt. Gilham's son alsoe says that hee proffered Miller the long Boat to goe on shore which hee would not accept of.

The Earl of Shaftesbury hereupon acquaints the Committee that further Informations concerning this Business were expected from Carolina which should be imparted to the Board. After which their Lo^{ps} desire the Lords Proprietors and the Commiss^{rs} of the Customs to meet together and to agree on such rules and means as may bee necessary for the settlement of the Country and security of the King's Customs and offer them to ye Committee.

Capt. Gilham is alsoe told that he must attend again at such times as hee shall bee called but that nevertheless hee may if occasion offer goe upon any employment at sea.

PATENT FROM GOV. JENKINS.

Sr George Carteret Kn^{t} And Baronet Viee Chamberlaine of his Majesties household one of the Lords of his Majesties most Honorable privie Councell Pallatine of Carolina and the Rest of the true and Absolute Lords and proprieto^{rs} of Carolina, To all persons to whome these presents shall Come Greeting In our Lord God Everlasting, Know yee that wee the s^{d} Lords and Absolute proprieto^{rs} Aecording to our Greate Deed bering date the first day of may Anno Dom̄ 1668 Given to the County of Albemarle with the Great Seale of our province thereunto affixed, ffor the holding of Lands, and by Instructions Dated at white Hall the fifth day of fferuary 1678 remaining upon Record In the County of Albemarle In the Province of Carolina, Doe hereby Grant unto Robart Winley of the said County planto^{r}, A Plantation Containing two hundred and Eighty Acres of Land English Measure, Lying and Beeing In The Precinct of Shaftsbury In the s^{d} County, Bound on the south East side of mataeomaugh Creek beginning at a Marked Ash tree, standing on a pointe by a branch side, issuing out of the s^{d} Creek which divideth this Land from the Land of Edward Smithick and Rnnning northeast up the said Creek one hundred and forty pole to a marked Red oake then southeast by a Line of marked trees which divideth this Land, from the Land of John Taylers three hundred And twenty Pole to a Marked pine, then South West by a Line of marked Trees one hundred and forty pole, to a marked pokikory tree, then by Another Line of Marked trees three hundred and twenty pole to the first station, Ineludeing the aforesaid quantetie of Land, the said Land beeing due to the s^{d} Robart Winley by and for the Transportation Into the county of Albemarle of five persons, whose names are upon Reeord under this pattent, To have and to hold the said plantation unto ye said Robart Winley his heirs and Assignes for ever, with priviledge of hawking hunting fishing and fowling, With all woods and trees, With what else is there standing Growing and beeing except the one halfe of all Gold and Silver mines, yielding and paying therefore unto us and our heirs, and Successors yearly every twenty ninth Day of September According to the English Account, for Every fifty acres of Land hereby Granted, one shilling of Lawfull English Money, or the vallew theirof for every of the s^{d} fifty acres to bee holden of us In free and eommon Soccage, provided always that If the said Land bee not seated within one yeare after the date hereof Then this pattent to bee voide, else to stand In full force, Given at Mr George Durants house under the seale of the County of Albemarle this 29th day of March beeing the Seventeenth yeare of our Possession of our Province of Caro-

lina Ann° Dom̄ 1680 Witnes John Jenkins Esqr Governo^r and Commander in Chiefe of our said County and our Trusty and Welbeloved Councello^rs, who have hereunto sett there hands the day and yeare above^sd

Robart Winley Pattent
RALPH COATES

JOHN JENKINS
ANTHONY SLOKUM
ROBART HOLDEN
WILL CRAFORD

[B. P. R. O. Colonial Papers.]

To the Kings most Excellent Majestie The humble Petic̄on of Thomas Miller Sheweth

That yor Matie having been pleased upon ye Report of ye Com^tee of Lords for ye Plantac̄ons to direct prosecution of John Culpeper for Treasons acted by him in ye late Rebellion in Carolina at wch Com^tee severall of ye Lords Propriato^rs did appear and declare that ye same was a notorious Rebellion & that their taking Armes, seizing ye Records in ye Country, imprisoning foure or 5 of ye Lords Deputyes & seizing all ye Tobacco Bonds & Bills in their hands relating to your Maties Customes & all ye private Estates of ye persons imprisoned and calling and choosing a pretended Parliam^t & setting up a pretended Court of Justice to try yor Pet^r & ye rest of ye persons imprisoned wth all ye proceedings therein & going with Armes to oppose ye entrance of Mr. Eastchurch ye then Govr coming from Virginia thither (in all which proceedings ye said Culpeper was a notorious Ringleader) were undoubted treasons without any authority & against all ye Lawes & Constitutions of Carolina & particularly y^t Parliament there was illegall in its call, choice &c. And ye said Culpepers plea of acting by their authority not good & ye said Lords Proprieto^rs did there undertake to manage ye said Prosequtions & reducing ye Country to ye obedience of ye Lawes wch was also refered to them among other things by order of ye Com^tee Nevertheless may it please yor Matie at ye said Tryal ye Earle of Shaftesbury who had been present at ye afores^d Transactions of ye Com^tee & had beene ye mouth of ye Lords Propriato^rs in ye whole affaire unexpectedly appeared at ye Tryall as a witness for ye Def^t & after that by 5 witnesses ye said Culpeper had bene proved guilty of all ye said Treasons before numerated to ye satisfaction both of ye Court and Jury, ye said Lord Shaftesbury in his Testimony for ye prison^r declared that there hath beene no legall Governm^t ever settled in Albemarle & that neither ye said Govr nor Governm^t were

legall according to ye Constitutions of Carolina and that therefore ye taking of Armes & acting against them could not amount to Treason, But that ye Parliam^t^ thus called by ye Rabble was a legall Parliam^t^ by the Constitutions of Carolina ye people having a right to choose them at two years end w^th^out any call and y^t^ these matters were only feuds between ye Planters & could amount to but a Riott whereupon ye prison^r^ was acquitted by ye Jury and Court And yor Pet^r^ with many others yor Maties loyall subjects after all their sufferings not only left without remedy, but ye authority of ye pretended Parliam^t^ being thus justified ye illegall proceedings against their lives & fortunes like to go on especially under ye present Rebells y^t^ have usurped ye authority. And one Robert Holden whom ye Lords have sent to supply yor Pet^rs^ place who being one of ye persons condemned as a Ringleader in ye late rebellion in Virginia has made it his business to close with ye rebells there to countenance their authority & proceeding in ye late Rebellion, espetially against yor pet^r^ and all others y^t^ continued faithfull having at his first coming procured an Act of Oblivion to be procured by ye Govr himselfe & twoe of them y^t^ were Ringleaders in ye late Rebellion. And also hath proceeded against your Pet^r^ in his absence for his escape and in an unhearde of way returned Jurys to try him and condemne him & transmitted copyes of ye pretended proofs against him to ye Com^rs^ of yor Maj^ties^ Customes & alsoe proceeded to ye banishing fineing & imprisoning of all those that were sufferers & had opposed ye late Rebellion And further ye Com^rs^ of ye Customes in pursuance of an Order of ye said Com^tee^ having long since made Proposealls to ye Lords Propriat^rs^ for ye recovering Arrears of ye Customes & reparation of yor Pet^r^ their Collecto^r^ and his Deputies & for ye better settlem^t^ of ye Collection for ye future & prest their concurrence therein And y^t^ their Lords^ps^ would take some effectuall course for reducing ye country to ye obedience of ye Law Neverthelesse there hath beene nothing done therein But their Lord^ps^ seeme rather to countenance ye present settlement of things under ye Rebells by wch not only yor Pet^r^ & ye other sufferers here but also all those y^t^ have opposed ye Rebellion there (whose petic̄ons also are sent home) are brought to their utmost dispair

In tender Considerac̄on whereof most humbly Implores that yor Maj^tie^ would vouchsafe to take ye condition of yor Pet^r^ wth ye rest of yor Maj^ties^ distressed subjects in Albemarle aforesaid into yor Princely Consideration & direct such course thereupon for their Relicfe as yor Matie in yor Princely wisdome shall thinke meete. And yor Pet^r^ (as in duty bound) shall ever pray &c.

THO: MILLER

June 29. 1680.

Read in Councill, June 30th 1680 Nothing done. Read ye 20 Nov. 1680.

[B. P. R. O. Colonial Papers.]

PETITION OF THE INHABITANTS OF ALBEMARLE COUNTY TO THE KING

[30 June 1680]

To his most Sacred Majsty Charles the 2d King of England, Scoteland, France & Ireland Defendr of the Faith &c.

The humble Petition of ye Inhabitants of Albemarle County in Carolina, whose names are undr written

Humbly
Sheweth to
yr Majesty

That whereas yr Majys Petitners have been great & grievous sufferers by ye Rebellion of Sevrall Audatious Infamous & Scandalous ℔sons who have drawne Sevrall of yr Matyes poore & ignorant Subjectes into ye same prdicamt wth them through their fals delusions, faire & plausible prtences, Insomuch yt ye whole Country is now ovrswaied by ye said Rabble, And not withstanding ye Honrable Lords Proprietrs have Endeavored by sending Mr Seth Sothwell Governr to suppress ye sd Rebellion, Yet to our great greife & to your Matys great loss & damninge in yr Customes through ye fals & tretchrous dealing & Combinations of their Agents wth ye Lds proprters, ye same is hitherto obstructed and in all probability like so to continue wthout yr Majtys interposition to ye uttr Ruine & destruction of yr Matyes Leige Subjects who for their Loyallty & fidelity to yor Maty have been & are in fear to be made ye objects of these mens furie & inhumane Cruelltyes:—

Wee therfore in all humility pray yr Most gratious Matys assistance for ye suppressing the said Rebels & yt upon ye hearing our sd petition wch in a more ample manner setteth forth our case & grievances, yt yr Maty would be pleased for ye future to take such care & course as to yr most sacred wisdom shall seem most meet, as well for ye secureing of us yr Matys most Loyall and most distressed subjects & supplyants as of yr Matys Customes from the violence and Rapine of such Riotous disorderly persons as aforesaid.

And we [as in duty bound] shall Evr pray

JOHN STURGEON. ROBT. SCOTT
ANDREW WALLWOOD. JOHN MORRIS

JAMES LONG SEN[r]
WILL[m] FOSTER
JOHN WILLSON
RALPH FFLETCHE[r]
WILL[m] VAUX
JOSHUAH SCOTT
ROBT. INKINSON
LAW. CONSALVOE
JOHN GILLCREST
JOHN WALLIS
ROBT. BENSLEY
JOHN LACY
GEO. CASTLETON.
THOMAS KING
JNO. EDLEING
EDW. WADE
THO. LEPPE[r]
JOS. SUTTON
WM. HOGPEN
MATH. CULLEN
THO. SYMONS
ZACH: NECKSON
JOSEPH PITTS
JOHN FFRITH
JA. LONG JUN[r]

[B. P. R. O. B. T. VA. 58.]

THE LORD CULPEPERS LETTER TO M[r] ADAM KEELING HIGH SHERIF OF LOWER NORFOLK COUNTY

M[r] KEELING

I send you a letter for the Governor and Government of Carolina, the safe conveyance of which you are to take effectual care in: and some short time after the delivery thereof, You (as his Maj[ties] high Sherif of the County of Lower Norfolk) are hereby required to List all such of the Inhabitants of Blackwater & Corritucks (as by the Laws of this Country are accounted Tithables) which hold their Lands by patent granted to them by his Majtys Governor of this Colony; And likewise that you do demand and receive of them Quittrents for all Lands they so hold of this Government according to the value the Inhabitants of Your County of Lower Norfolk do pay for the Lands they hold in proportion to the quantity each man hath and also that you give to the Justices of your County a List of the Tithables by you taken of the Inhabitants of Blackwater & Corrituck to the intent they may be charged with payment of publick and County dues as is levyed upon each Tithable of your County they being held to be part of your County of Lower Norfolk Your proceedings herein you are to give me an account of These commands you receive from me by the advice of the Council and

at the instance of the House of Burgesses in the late held Assembly. Your due performance hereof I question not and so bid you farewell

THO CULPEPER

Green spring July the 3th 1680.

[B. P. R. O. B. T. VIRGINIA. VOL. 58.]

THE LORD CULPEPPER'S LETTERS TO THE GOVERNOR AND GOVERNMENT OF NORTH CAROLINA.

Gentlemen

About a month since I received a petition in the name of the Inhabitants of Blackwater and Carrotucke subscribed by many of the same setting forth they are Inhabitants of right belonging to this his Majestys Colony and Dominion of Virginia and desire so to be received for that they hold their Land of his Majesty by patent granted unto them by his Majties Governors of this Colony and under the Seal of the same Notwithstanding which they had been threatened and molested by you, I have therefore with the advice of the Council at this instance of the House of Burgesses given my order to the Sherif of Lower Norfolk County to take into his List of Tithables all such Inhabitants of Blackwater and Corrituck as hold their Lands by patent from his Majtyes Governor of this Colony, and have commanded and required the said Sherif to demand and receive Quittrents for all such Lands so holden of this Government, As likewise all such publick and County dues as is levyed on others the Inhabitants of the County of Lower Norfolk, Of which that you may have the knowledge, and to the intent the aforesaid Inhabitants of Blackwater & Currituck may not by your Demands be in any sort molested disturbed or Griev'd You receive this Letter it being a protection due from

THO CULPEPPER

The 8th July 1680

[B. P. R. O. COLONIAL PAPERS.]

To the King's most Excellent Majestie. The humble Petition of Thomas Miller.

Sheweth

That whereas your Petitioner did on the 30th day of June last exhibit a Petition to your Maty in Councill, most humbly setting forth the deplorable Condition of himselfe, and diverse others yor Mats most Loyall Subjects in Albemarle in Carolina, as their Petition then alsoe exhibited to yor Maty did declare, not only by our sufferings in the late Rebellion, but also under the prsent usurped Governmt of the Rebells in Carolina still pursueing the destruction of yor Petr and all others that have opposed them therein to all wch (as yor Petr is informed) no other answere was given then that there is a Governor goeing over thither from the Lords Proprs and thereby the matter no further debated, the wch answere (thō it implyes an owneing of the matter of fact complained of, yet it) leaves yor distressed Petr (who is alsoe Collector of yor Mats Customes there) and the rest of yor Mats greately oppressed Subjects in a manner remediless, because noe further Examination is had of this matter, nor provision made for their reliefe, nor for the Settlemt of the Country nor Collection of yor Mats Customes there, whereby it now appears that some of the Lords designe no other then the continuance of the prsent state of things there under the Rebells, who still continue prosecuteing yor Petr for his escape, and all those who have opposed them by heavy fines imprisonmen Banishmt loss of Eares &c. as yor Petr by sundry letters lately received thence is ready to make good. And all this meerely to justify the said Rebellion, and discourage all persons from seekeing any redress.

Your Petr therefore most humbly implores yor Maty either to grant an heareing of the said Petitioners & other papers relateing thereto in Councell, or to referr them to ye Committee of Lords for Plantations to examine the same, & the prsent state of things there and report the same to yr Maty together with what course the Lords Proprirs & Comrs of yor Mats Customes have or intend to take pursuant to an order of the said Committee upon a former Referrence from yor Maty for the reduceing the Country, recovering the Arreares, and future setlemt of the Collection of the Customes and restauration of yor Petrs to their imploymts & Estates, & repairation of the damages done to yor Maty in yor Customes, & to yor Petrs in the late Rebellion. To the end that yor Maty may grant such order for the future settlemt of things & for the releife of yor Petrs and that before the departure of this mentioned Governor as to yor Maty in yor gratious wisdome shall seeme fitt & meet.

And yor Petr (as in Duty bound) shall ever pray &c.

Petition of Thomas Miller about Carolina.

Rd July 7-80

Read in Councill July 14th 1680.

Read Ye 20 Nov. 1680

[B. P. R. O. Colonial Papers.]

AT THE COURT AT WHITEHALL THIS 14th DAY OF JULY 1680.

Upon reading this day at the Board the above Peticon of Thomas Miller his Maty was pleased to Order That it be & it is hereby Referred unto the Right Honble the Lords of the Committee for trade & plantation to the end their Lops may consider thereof. And report to his Maty in Councill what they think fitt for his Maty to doe therein, thereupon his Maty will declare his farther pleasure.

FRANCIS GWYN.

[B. P. R. O. Colonial Papers.]

Carolina. (Indorsed)

DEPOSITIONS OF TIM. BIGS TOUCHING THE STATE OF AFFAIRS THERE.

Recd from ye Commrs of ye Customs the 15th of July 1680.

B. B.
P. 20.

Timo Biggs of the County of Albemarle Alias Ronoake in ye Province of Carolina deposeth

That some tyme in ye yeare 1675 was sent into ye fores^d County a boxe directed to The Govern^r or Deputy Govern^r y^r of; in wch was Comissions & Instructions to one Mr Copely and Mr Birch ye one to be Collect^r & ye other to be Survay^r for the Colecting & manageing a cartaine duty of 1d ℔ pound impost by act of parlam^t upon tobacco &c. transported to N. England or any other of his Maties Collonyes in America & wth all a Lett^r from ye Commissioners of his Maj^ties Customs in England directing the Govern^r That in case ye s^d Copeley or Birch were not in ye Country, y^t y^n ye s^d Gov^rn^r should place other persons to look after the Colecting ye s^d Revenue wch ord^rs ye Gov^rn^r wth ye Assistance of the Counscill goeing About to put in Exeqution were und^rhand opposed y^r in by one Crawford wth others & some N. England men then there traydeing, ye s^d Crawford Endeavouring to ℔swaid ye people it would be a Great Inconveniancy for y^m to submitt to this payment & y^t ye N. England men would rayse ther Comodityes double if such paym^t of 1d ℔ pound were Exacted from them; Upon which ye people were Mutinous

& Reviled and threatened the members of the Counscill y^t^ were for setleing the said duty; how Ever ye s^d^ duty was sutled & one Bird appoynted for Colecting it who went on Colecting it untill ye yeare 1676 in wch yeare ther being a Warr wth the Indians & ye people for y^t^ reason in Armes they were ℔swaided by Geo: Durrant, Richard Foster Patricke Whitt & Vallentine Bird ye Colector wth divers others to force the Goverm^t^ to remitt to ye New England men, by whose hands were brought unto y^m^ all sortes of Europiane Comodityes, three farthings of s^d^ penny ℔ pound, the s^d^ Durrant having then a considerable quantity of tobacco to Receive wch he was to ship of to N. England as this deponent hath hard the s^d^ Durrant say.

In Jully 1677 Mr Tho. Miller Arrived in ye s^d^ County Brought wth him a Comission for himselfe to be Colect^r^ of ye s^d^ duty & a Certificate from the Gove^r^n^r^ that he had ℔formed what ye Law in his case Required & also a Lett^r^ from his Matie Comanding ye Govern^r^ & all other officers to be assisting to him in Colecting ye s^d^ duty & ord^re^ to call all other former officers to Acco^tt^ and also brought a Comission from Mr Tho. Eastchurch Gov^r^n^r^ of ye s^d^ County for him the s^d^ Miller to be President of ye Counscill & comand^r^ in Cheefe duringe the absence of ye s^d^ Eastchurch & ye s^d^ Miller wth the Assistance of the Counscill of ye s^d^ County, Resatled the colecting of the s^d^ Dutty & called the former Colecto^r^ to Acc^tt^ for w^t^ hee had Receaved and all people seamed quiately to submitt to ye same & the New England men complyed in paying ye s^d^ Duty: this Deponant was comissionated by the afores^d^ Tho Miller to be one of his Deputy colectors & had receaved upwards of a hundred hoxheads of Tobacco for his Matie & had seized some parscells of goods Judged to be Imported from contrary to law The which was done w^th^out any opposition wch quiat posture of colecting his Maties duty continued untill ye arrivall of one Capt Zackry Gillam on Satterday about ye last of November wth one Georg Durrant from London Upon whose comeing In the s^d^ Bird Crawford & severall others went on board ye said ship wher this said Durrant was & on Monday ye 2^d^ Decr one Wells Nevell & divers others went to ye house of this deponent wth Muskets and swords & broke open Chists & Locks, useing viallence to y^s^ deponants familly & forceably took away ye s^d^ Millers Comissions & Instructions for his colecting ye s^d^ duty & all the Records of the country wch wer by the Authority ord^rd^ to be there & caryed them to ye forementioned Crawfords house And Valentine Bird Wm Sears fores^d^ Wells & Wm. Gineings who Crawford also joyned with & a party of armed men seized upon this deponant ye afores^d^ Tho Miller & Mr Jno. Nixon memb^rs^ of ye councill & Governm^t^ took from them all ther papers kept them close prisoners

not suffering them to speak in private wth anybody ore one wth the other & then sent out parties of armed men to secur the Rest of his Maties Officers & all the Members of ye Counscill Governm^t^ & officers wch would not submit to or Joyne wth them, some of wch wer seized & others fled into Virginia, they also Took into y^r^ possession all y^t^ Tobacco y^t^ had been Rec^d^ for his Matie & the goods that had been seized for haveing been Imported into ye s^d^ county from N England Contrary to Law or ye Act of Trayde & Navigation, after wch ye s^d^ Crawford together wth Durrant Bird Wells Sears & Gineings who headed the Rest in Armes being newly furnished y^r^w^th^ from on board ye s^d^ Gillams ship marched & convayed ye fores^d^ prisoners wth divers others To ye house of ye s^d^ Durrant, where this Rabble kept a court after ther maner, Kept y^m^ y^r^ close prisoners offten Threetening to Try & hang them haveing set up a mocke Goverm^t^ by force of men in Armes & p^r^ceed after y^r^ fashion, suffering New England vessells to depart wth Layding of Tobacco w^th^out paying his Maties duty & this deponant after seaven weeks Imprisonment w^th^out mittimus found oppertunity of escape fled to Virginia & from thence came to England to give an Acc^t^ to his Matie & Lds P^r^p^r^t^rs^ of these Matt^rs^ Leaveing the s^d^ Tho. Miller in Irons wth Jno Nixon & severall others his Maties & the countryes officers prizoners & further at p^r^sent saith not

London. 1678 TIMO. BIGGS.

[B. P. R. O. Colonial Papers—Extract.]

Virg^a^ 8 June 1680.

ANSWER OF Y^e^ ASSEMBLY TO Y^e^ Ld CULPEPER'S SPEECH. ATT A GENERALL ASSEMBLY BEGUNNE AT JAMES CITTY THE 8th OF JUNE 1680.

By the Councell & House of Burgesses.

In concurring with his Excellencies Speech in demonstrating the Estate of affaires in Relation to the Indians & other things therein contained.

* * * *

And as evill accidents are seldome without their Concomitants, soe the Low price and Value of its only Comodity Tobacco doth aggrevate & heighten its misery, for tho' by God's blessing there is such plentie of it as might well support every man in his private capacitie & enable him to contribute liberally to the publique, whereby good Stypends might be

given to those in Military imployment & for the defence of the Country, yet such is the unhappiness of it that it will not supply the soldiers with cloathes for their wages nor armes and amunition for the Service they are in, neither can the Country hope for any redress in this their deplorable Estate, unless by his Majesties most Sacred Authority the great quantities of that Speice* (by some Expedient most agreable to his wisdome) be abated—

Test^tis ROBERT BEVERLEY Clk Assembly

Vera Copia 80

[B. P. R. O. Colonial Papers.]

SECRETARY OF VIRGINIA TO SEC. OF STATE JULY & AUG. 1680

May it please your Hono^rs

It is now neare six weeks since I gave your hono^r the trouble of a Letter. I then informed an Assembly was suddenly to sitt, sumoned by his Excellency the Lord Culpeper; the results of whose consultations (as it is my duty) I herewith send to your Hono^rs being severall Acts and Orders, together with an Address to his most sacred majesty, imploring his grace of a Cessation from planting Tobacco in the yeare 1681, a request which seems to import such a diminution to his Majesties Customes in the yeare, that it may be feared itt carryes with itt, itts owne deniall, tho' for its imoderation wee are so unhappy as to plead our most important necessities; to be our sole manufacture, and by which hitherto this Country hath only subsisted but now by the excessive quantities made, is soe under foot that itt will be impossible for the Inhabitants longer to support themselves thereby, unless his Majesty will bee graciously pleased to enjoyn a Cessation, & thereby lessen the quantity & consequently advance the price: By which wee may not only hope for that good, butt by the yeares imploym^t in other affayres, our people may bee incouraged for the future, to divert part of their Labours, in carrying on some other manufactures & not solely depend upon that uncertayne comodity Tobacco, which at present is so low, that a whole yeares Crop will not advance to the ordinary planter whereby meanely to cloath himselfe and itt is to be feared another yeare will bring us to a more deplorable Condition, there being now upon the ground the greatest Crops that have been known, which when finished together with what remaines in that Country, will

be as much if not more, then the ships can carry, of, in two succeeding yeares from whence itt doth consequently follow, if a Cessation bee not the next yeares Labour in Tob: will bee totally spent in vayne

* * * * * * * * * * * * * *

James Citty
July 9th 1680

Right honble yor
Honors most humbls &
devoted servant

* * * * * * * * * * * * *

The dispicable & low price of Tob:o inclines the Inhabitants of this Contry to thinke of Cohabitation as a principall meanes to abase the quantity of the Comodity, and amend the quality, and the late Assembly hath made an Act to that purpose, but I much doubt itt may miss itts wished effect, if not totally miscarry, by the multiplicity of places appointed for Townes, viz: one in every County. Butt if all ships were by his Majesty comanded to ride at one place in every great River, and in every of those places a Town to bee erected, the design would have the better prospect

Right honble
your most humble & devoted
servant
NICHO: SPENCER.

Augst 20th
1680.

[B. P. R. O. Colonial Papers.]

[Indorsed]

CAROLINA. INDICTMENT OF TH. MILLER RECd FROM Ye COMMrs OF Ye CUSTOMES THE 15 JULY 1680.

Albemarle County in the Province of Carolina November 1679. } At a Grand Councell held for the County of Albemarle, ye Attorney Generall Mr George Durant

exhibited the subwritten Indictmt against Tho. Miller & the evidences to prove it & desired justice and that prosses of law might pass against him haveing Boraken prision

Thomas Miller thou standest indicted by the name of Thomas Miller of this County Apothecary for that thou not having the feare of God before thine eies but being stirrd & moved by ye Instigation of the Devell

& out of the Rancor & malice of thine hart forethought & didst in a Rebellious Trayterous manner at the house of Tho. Harris some time in or about the month of November 1673 utter & declare these following words vizt That it was never good times in England the King came in nor never would so long as there was a King in England and at the House of Capt. James Blount did say when discourse was about the Royall issue & report was the Duke of Yorke was dead that you hoped that som of the rest would not bee long after him & some time in the month of June 1675 at ye House of the afores^{d} Harris did utter & declare y^{t} thou wouldst not loose thy life for ye King nor for never a man that weares a Head & that ye King sometimes sett his people to fight in unrighteous causes & y^{t} of all Religions in the world the Cavaleares were the veryest Rogues & that there were noe righteous dealing amongst them by reason the King had his hand in a whores plackett which words are contrary to ye peace of our Soveraign Lord ye King his Crown & Dignity & contrary to the forme of ye severall statutes in that case made & provided & to aggravate yor Crimes you have infamously abused our most illustrious L^{drs} Propriato^{rs} & wth the abetters & assisters have broken prision & escap^{d} to evade the stroke of justice

GEORGE DURANT
Attorn^{y} Gener^{all}

Vera Copia. ROBT. HOLDEN, Sec^{ry}

The Deposition of John Culpeper aged thirty one yeares or thereabouts saith; that being at the house of Thomas Harris in or about November 1673 in discourse wth Thomas Miller ye s^{d} Miller then s^{d} y^{t} It never was good times in England since the King came in nor ever would be so long as there was a King in England wch words this deponent suddenly after declared to Mr Jno. Nixon being then a Magistrate & he made answer that I this deponent was but a single evidence & y^{t} contrary to his advise & councell ye s^{d} Miller would bee allways talking of such matters or words to ye same efect & further saith not

Sworne before Lieut. Col. RICHARD FOSTER.

JNO. CULPEPER.

Vera Copia. ROB^{t} HOLDEN, Sec^{ry}

Lawrance Gonzales aged 30 yeares or thereabouts deposeth & saith y^{t} som three yeares agoe ye deponent being at Capt. Blounts some discourse riseing but how begun y^{r} deponent knoweth not but heard to ye best of y^{r} deponents knowledge talking of the Royall Issue y^{t} some of them was dead & y^{t} s^{d} Miller s^{d} he hoped y^{t} some of ye rest would not bee long

after to ye deponents best of his knowledge was ye Duke of York & ye deponent further saith y^t^ being a subject he informed Coll Jno. Jenkins of the same & further saith not

LAWRANCE GONZALES

Sworn before John Harvey Esq
& Richd Foster Esq
Vera Copia
ROBT. HOLDEN Sec^ry^

The deposition of William Cockin aged 35 years or thereabouts who deposed saith y^t^ about one month since at the house of Tho. Harris he heard Thomas Miller express & say (without any provocation given as this deponent knoweth) to one there present George will you loose y^r^ life for the King, the s^d^ George answered yes, had I as many as I have hares upon my head y^n^ Miller answered thou art a fooll, why s^d^ George will you not loose y^r^ life for the King noe answered Miller nor for any man that weares a head, why s^d^ George what if the King should make you Captaine of one of his best shipes would you not then fight for him noe s^d^ Miller except in a righteous cause, why s^d^ George doth the King sett his subjects to fight in unrighteous causes, ye s^d^ Miller answered some time he sets his people to fight in unrighteous causes, One Thomas Willis being by s^d^ if you were in place where you would bee cutt in peeces for that wordes further this deponent saith ye s^d^ Miller s^d^ that there was noe righteous dealing among the Cavaleares for the King had his hand in a whores plackett & further saith not

WILLIAM W COCKIN

Sworne before me the 26th July 1675
JOHN JENKINS

Vera Copia ROB^t^ HOLDEN Sec^ry^

The deposition of Thomas Willis aged 28 yeares or thereabouts who deposed saith that all & every the words artickles and sentences which are above expressed & sworn to by William Cockin are trueth & nothing but the trueth & further the s^d^ Miller expressed at the same time & said that of all Religions in ye world the Cavall^rs^ were the worst Rogues & y^t^ there was no righteous dealing amongst them & further ye s^d^ Miller s^d^, how can there be Righteous dealing amongst them when the King hath his hand in a whores plackett & further saith not.

THO. WILLIS

Sworn before mee
July 26th 1675
JOHN JENKINS

Vera Copia
ROBT. HOLDEN Secret^ry^

The deposition of Diana Harris aged 32 yeares or thereabouts saith that Thomas Miller being in hir house in discourse s^d y^t of all Religions in the world the Cavall^rs are the veriest rogues & Tho. Willis answered why soe & Thomas Miller replyed againe how can there be righteous dealing when ye King hath his hand in a whores plaekett & further saith not.

hir
DIANA × HARRIS
marke

Sworn to in Court this 29th Mareh 1676. J^no Jenkins Esqre & acknowledged before the Grand Councell by hir selfe held Novemb^r 1679 in ye County of Albemarle myselfe present

Vera Copia
ROBT. HOLDEN
Secret^ry

The deposition of Jno. Davis aged 34 yeares or thereabouts saith y^t the deponent being at his owne house & Mr Tho. Miller being there the s^d Miller discoursing conserning the County s^d y^t the Lords had granted that to the Countery that they would not grant him and that ye s^d Miller admired at my Ld Ashley y^t was as wise a man as any in England & ye s^d Miller s^d y^t the L^ds was turned fooles or sotts or else they would not deall soe unjustly by him & if he were in England he would tell them on it to there faees & further saith not

JOHN DAVIS

Sworn before the Grand Councell Novemb^r 6th 1679 Vera Copia
ROBT. HOLDEN. Secret^ry

All the above declarations apeared against him (the last deposition excepted) before the Palatine Courtt held August last in the County of Albemarle present Jno. Harvey Esq. Governo^r now deceased, myselfe, Anthony Sloeomb Esqre James Hill Esqre & Thomas Biggs Esqre & made good to his face whereupon the Govr & myselfe signed his mittimus & comitted him to the custody of Tho. Leper a Marshall from whence he escaped by the assistanee of James Hill Timothy Biggs Esq Jno Taylor Henery Hudson & som others, whereupon he was followed by hue & ery into Virginea & hee obtained the Gov^t of Virginea Sr Henry Chichly spetiall warrant under his hand & Seale (w^eh hee have) to aprehend him, but he escaped thence in one Feu contrary to ye s^d spetiall warrant & Knowledge of s^d Feu to whome the warrant was showne. There was allsoe at ye same time another indictm^t exhibited against him for Blasphemy w^eh is as followeth wth the evidences. Tho. Miller thou standest indicted by ye name of Tho. Miller of this County Apothecary for not

having the feare of God before thine eies but being stirred & moved by the instigation of the Devill on or about ye 18th day of November 1675 in most Atheisticall & Blasphemous manner didst utter & declare these words or to ye same efect In speaking of the Sacram^t^ of the Lds Supper y^t^ is to say whats that a litle hogs wash putt in a piggs trough wch words were spoken at the House of Mr Francis Godfrey & are contrary to ye Laws of God & our Soveraigne Lord the King his crown & dignity & against the forme of severall statutes in that case made & provided & to agravate y^r^ crimes you wth abett^rs^ & assisters have broken prision & escaped to evade ye stroke of justice

GEO. DURANT Atto^r^ Gen^ll^

The deposition of Jno. Nixon aged 54 yeares or thereabouts Being at ye House of Francis Godfrey did heare a discourse between one Patrick Jackson & Thomas Miller about the s^d^ Jackson going to Virginea ye s^d^ Miller did afirme that Jackson was there to inform Mr Drummond of ye afares of our country or words to y^t^ purpose ye s^d^ Jackson s^d^ y^t^ he would lade it on his Sacram^t^ y^t^ it was not soe, ye s^d^ Miller s^d^ y^t^ hee looked on his Sacram^t^ to bee but as a p^r^cell of Hoggs wash or words to that purpose & further saith not.

J^no^ NIXON.

The deposition of Jno. Dye aged 47 yeares or thereabouts saith That y^r^ deponent being at the house of Mr Francis Godfrey about ye first day November 1675 y^r^ deponent heard Tho. Miller tax Patrick Jackson about carrying a letter into Virginea concerning him wch the s^d^ Jackson denied he knew of no such matter saying he would lade the Sacram^t^ of it to wch the s^d^ Miller replied y^r^ Sacram^t^ whats that a little Hoggs wash powred in a pigs trough and further y^r^ deponent saith not

JNO DYE

Sworn before Richard Foster & John Dye owned this deposition before the Grand Councell held in the County of Albemarle Novemb^r^ 1679

Vera Copia

ROBT. HOLDEN, Secret^ry^

[B. P. R. O. Colonial Papers.]

[Indorsed.]

COPYS OF LETTERS FROM TIM. BIGS COMPTROLL^{r} OF THE CUSTOMS IN CAROLINA.

Rec^{d} from ye Comm^{rs} of ye Customs
the 15th of July 1680.
B B.
P. 21.

Mr Robt. Holden,

Sr Being I have Rec^{d} Acco^{tt} from ye Comiss^{rs} of his Maties Afaires & a duplicat of w^{t} is sent you, as you have ye lyke of myne, I yesterday sent my Dep^{ty} Mr Sam^{ll} Pricklove to discourse wth you in severall Respects; In ord^{r} as I am Comanded for yor further Information becaus I would let nothing be undone on my part, but I am Informed that though hee offered himselfe to you in order y^{r}unto, yet you would take no notice of, nor did not speake wth him. I have found und^{r} yor hand that you have under written my deputy in his officiateing his Maties bussines that hee is none of his Maties officers. S^{r} you know I have power to deput a deputy & that I have deputed him ye wch was admitted of by ye Gov^{r}n^{r} Harvy & ℔formed w^{t} ye Law in his Case Required & therefor I desyre as he is his Maties officer that he may proceed acordingly & Receive no opposition from y^{r}selfe or any other or y^{t} Reasons for the Contrary that fraud may be prevented. S^{r} I doe alsoe desire you ℔ him let mee have Aco^{tt} of yor proceedings in his Maties service, you know his Maties Lett^{r} to ye Gov^{r}n^{r} was only for to advize wth the Survay^{r} Gin^{rl} what places was proper for his Maties office & for vessells to come to be survayed at & it was Conclud on by ye Gov^{r}n^{r} & Lords dep^{tyes} It should be heare—so y^{t} I expect y^{t} all Vessells wch come in at Ronoak come up hither accordingly & for those y^{t} Come in at Caratuk inlet I will take further care by my deputyes S^{r} I am Informed yon are a sending Mr Edw. Wayde who was High Shreefe of this County, from hence or a banishing him ther is a matteriall Evidence for ye Kings Matie Touching what I am to assist you in for further Aco^{tt} of what Is due to his Matie Its not y^{r}for Convenient he be wantinge when tyme shall sarve for his Testifying his knowledge for his Matie This S^{r} Is the needfull of my duty for his Maties sarvices & all at present from yor friend

TIM^{o} BIGGS Compt^{r} & Survay^{r} Gen^{ll} 1679.

Att my office on litle River poynt Albemarle Feb^{ry} 4th 1679.

The above is a True Copy of a Lett^{r} sent to Mr Robt. Holden & d^{d} by Richard Standerweek in the p^{r}sence of Coll^{ll} Jno. Jenkins Mr Jos. Scott & Paul Latham at ye house of George Durant ye 4th Feb^{ry} 79 & ye s^{d} Standerweeke asked ye s^{d} Holden for answer & hee Replyed he had nothing to do wth ye s^{d} Biggs or Standerweek Either vary Angrily & after ℔useing it & so put it in his pocket as is witnessed this p^{r}sent day ℔ RICH^{d} STANDERWEEKE

Testis TYMO. BIGGS.
SAM^{ll} PRICKLOVE.

After this Reply, I sent my dep^{ty} on his bussines wth a speciall warrant heare lying two New England Vessells Layden & Cleared ℔ to depart of wch This following is a True Coppy

By ye Compt^{er} & Survay^{r} Gen^{ll}
Albemarle

Mr Sam^{ll} Pricklove

S^{r} I understand severall Vessells in this Country are upon departur & wheras I am informed Mr Holden hath und^{r} written one of his Maties Officers for wch this day I sent To know his Reasous but he will send non & that fraud may be prevented These are in his Maties name To will and Require you to Goe on board on all vessells as are afores^{d} & see the Law in ther severall Cases be ℔formed & Executed according to yor office duty & instructions for wch this shall be yor suffitient war^{t} Given und^{r} my hand this 4th of ffeb^{ry} 79 at my office Litle River poynt

TIM^{o} BIGGS, Compt^{r} & Survay^{r} Gen^{ll}

My deputy being upon ye Execution of The afores^{d} Warrant was ℔sued & seized by the Grand Marshell of the Country by ord^{r} of ye Afores^{d} Robt. Holden (as a Member of ye Govern^{t}) & w^{n} he was acting y^{r}in was hawled away befor he could act his duty & carryed ashor kept close prisoner & the vessells departed wthout any deue Survay &c. as Wittnes my hand.

TYM^{o} BIGGS, Compt^{rllr} &c.

Upon which—I sent up to ye Authority y^{n} mett wth ye s^{d} Holden at ye place befor s^{d} George Durrant house y^{r} Court house & his office the following lines as my protest agst such proceedings—this being a True Coppy

By Tim° Biggs, Dep^ty To the Earle of Craven & Compt^rllr & Survay^r Gen^ll of his Maties Customs

These p^rsents witness that I in ℘suance of ord^rs Rec^d from ye Rt Worshipfull the Commissioners of his Maties Customs in London proceeded as is befor inserted & Expressed and am only not Answered by the Colect^r but he hath or^rd my deputy to be seized by ye Marshell of the County w^n he was upon his Maties Imploy & in the officiateing his office, & by Evidence to mee mayd carried him a way prizoner w^thout suffering My s^d Dep^ty to do his duty or had done his office by wch his Maties Consarnes is like to suffer & not only in that but In ye Colect^rs sufferings (as one in Authority joyneing) in sending of or Banishing Mr Edw. Waade High Shreefe, whoe is a very materiall Evidence for the Kinge & whither to, Is not yet made knowne,—

I doe therfor for safety of my Security & Oath & Clearing myselfe Entre this Instrument of writing as my protest, ag^st ye afores^d Colect^r Mr Robert Holden & desyre this to be Recorded & attested to mee bake by ye Clarke of ye Court that it is so efected, that I may send it to England That my ma^rs may see my Readines & faithfulnes in proceeding according to yor ord^r

Given und^r my hand at my office on litle River poynt ye 5th Feb^ry 1679. TIM° BIGGS Compt &c

All these befor writteings I sent as is Expressed to Mr Holden but could have no answer so I after sent y^m to one in ye Authority w^n ye satt as a palatine Court inclosed to Capt. Willoughby who Is dep^ty to ye Earle of Shaftsbury & Regester publique of the Country to request him to Cause y^m to be Recorded or if denyed it ℘ ye Authority y^t y^n he und^r his hand would signify the same as ye Coppy of his Lett^r hearew^th sent will informe (but he sends no answer) though promised he would.

At my office on little River poynt Feb^ry 5th 1679.

Much Honble S^r

I am joyfull you are come up to Court & am thankfull you stopt y^t viallence some went wth ag^st mee I would gladly have vizited you, but am Resolved not to come to Mr Durrants house upon any Aco^tt whatever haveing already given my sufficient reasons to ye Lords propriat^rs y^rfore S^r haveing Rec^d Lett^rs from ye Rt. Worshipfull Comistioners of his Maties Customs I proceeded wth ye Colect^r as heare Expressed you will ℘ceive & I humbly Request you will be pleased the ord^ring y^m to bee Recorded & they sent mee Attested by the Clarke that it is soe Efected That thereby

I may give ye mor Ample Aco^tt^ to my Ma^rs^ The wch S^r^ if Refussed & denyed ℔ the Authority I then pray you will as publique Regester for this County Attest ye denyall y^r^of under yor hand back wth ye inclosed

S^r^ It is a vary hard Case that I Cannot imploy any Ingenious man in his Maties service—but he shall for one false pretence or other be displact by Arrests or otherwayes & w^n^ in the due Exeqution of y^r^ Office—S^r^ ye Kinges Maties Lett^r^ to ye Gov^r^n^r^ was for him to Advize wth The Kings Survey^r^ &c. of places proper for Vessells to com to for survay of & ye office to bee att & by ye Gov^r^n^r^ Harvey & Ld^s^ dep^tyrs^ it was concluded on should bee heare to wch I have proceeded Accordingly & Expect y^t^ all Vessells y^t^ come in at Roanoak Inlett by this present Authority be ord^rd^ Accordingly & not I to Come To ye Colect^rs^ office for Certificats as hee thinks to force mee) but should find them on board Vessells or wth goods Layden or unlayden after Entrys mayd, Else all good w^th^out such Certificates y^t^ Entry is mayde y^e^ are seazable—I pray S^r^ you will please to take care my deputy Mr Sam. Pricklove who at p^r^sent for w^t^ I know not, Is a prisoner ℔ Mr Holdens Ord^rs^ y^t^ he may have speedily a Tryall y^t^ so hee may proceed to manage his Troust y^t^ fraud may be prevented & y^t^ ye Country may not want y^r^ Land survayed he being my dep^ty^ on y^t^ Aco^tt^ also & if he bee not Enuffe I am Ready to deput more, for non can act y^r^in but by Comition from mee or a mor Imediate Comition from my ma^r^ S^r^ I should be glad to see you & Informe you amongst other things w^t^ news I have from Whithall Touching Mr Sothells Redemption & am S^r^ Y^r^

frind & Sarvant

TIM^o^ BIGGS

1679

This Lett^r^ wth ye inclosers d^d^ by Mr Jonathan Whithall to Capt. Jno. Willoughby & after ℔usall promised Mr Whitthall he would send or bringe mee a Answer. at breaking up y^r^ Court ye wch ye s^d^ Willoughby hath not ℔formed to y^s^ day & Court brok up 8 dayes sence ye 16 Feb^r^y 79

Teste TIM^o^ BIGGS. Compt^r^ &c

(*Directed*) Sondry Copys wth a Lett^r^
To Capt. Jno. Willoughby of
Matt^rs^ Relaites his Maties affaires
For ye Comittioners fuller
Information

[B. P. R. O. Colonial Entry Bk. No. 106. p. 181.]

AT THE COMMITTEE OF TRADE & PLANTATIONS IN THE COUNCIL CHAMBER AT WHITEHALL MUNDAY THE 19th OF JULY 1680.

Present

Lord President — Mr Hyde
Earl of Bathe — Mr Secry Jenkins

Upon reading the petition of Mr Miller concerning Carolina referred by an Order of Council of the 14th inst it is thought fit that a copie of that petition and others lately presented by him and received from Timothy Bigs Comptroller of the Customs in Carolina bee sent to the Lords Proprietors of that Province with directions that they attend the Committee with their Answer on ye 19th of August next at ten in the morning and that copies bee alsoe sent to the commissioners of the Customs and their Attendance required at the same time And whereas upon the 19th of February last the Lords Proprietors and the Commissioners of the Customs were desired by the Committee to meet and conferr together in order to agree on some proposal for resetling that government and the peaceable and due collection of His Majties Customs in that Province and to make Report thereof unto the Committee the Lords of the said Committee doe therefore expect to receive the said Report from the Lords Proprietors and Commissioners of the Customs at the same time.

N. B.—There was no Meeting of the Board between 17th August and 7th September.
W. N. S.

[B. P. R. O. Colonial Papers.]

[Indorsed.]

GOODS SHIPPED FROM CAROLINA TO LONDON.

An Accot of Tobaco shipped by Zachariah Gillam from Carolina for London & Holland on accot of Mr John Browne Mr Thomas Sands &c.

1676–7 Hhds 89. } Shipped on board ye young Prince Capt. Robt Morris Commandr for Holland who cleared at ye Ile of Whight.

91. } Shipped in ye William & Robt. Captn Giles Bond Comandr for London.

1677–8 196. In ye Honor & Dorothy Captn Jno. Moore Com̄and^r^ for Holland who clear'd at ye Ile of Whight.
90. In ye Kent for London Capt John Lynes
107. In ye St. Thomas for London Capt. Anthony Fen
111. In ye Carolina for London Zachariah Gillam
1678–9 173. In ye Carolina for London Zachariah Gillam
32. In ye Recovery for London William Ham̄ond

889 hhds ye Totall

hhds 3 In ye Reeovery for London William Ham̄ond on aec^t^ of William Craford.

[B. P. R. O. Colonial Papers.]

SIR PETER COLLETON TO WM. BLATHWAYT 9. AUG. 1680.

Tonbridge Wells the 9th of Aug. 1680.

Sr

Haveing been of late indisposed my Physician advised mee to take Tonbridge waters for the regaineing my health and I was in hopes to have compleated the time p^r^scribed mee to take them before the 19th of August but haveiug had a toutch of an Ague I was thereby constrained to leave takeing them for 8 days wch hath put mee so much back, Wherefore humbly desire the favour of you if possible to obtaine of the Lords of the Comittee of Plantations 14 dayes time more for the answearing Mr Miller's Complaints for those papers that relate to that affair and that are not in the hands of my Lord of Shaftesbury are in my possession so that the Lords Proprietors of Carolina that are in London will not bee well able to answear Mr Miller's petition without my being in towne & if I come to town the time for takeing the waters will be past wch may be very prejudiciall to my health, wherefore humbly begge your assistance in procuring the time I desire & that you will please by a line or two directed to mee to Tonbridge Wells to signifye to mee whether my request be granted or no that I may govern my selfe accordingly wch will infinitely oblidge

S^r^ Yo^r^ most humble serv^t^
P COLLETON

[Indorsed.]
From Sr P. Colleton ab^t^ ye Business of Carolina.

[B. P. R. O. B. T. Va. Vol. 58.]

ORDr OF COUNCIL FOR COLLECTING LEVYS OF THE INHABITANTS OF CORRATUCK

At a Council held at James City ye 25th of September 1680

Present

Sr Henry Chicheley Knt Deputy Governor &c.

Upon the reading the Letter from the Government of Carolina & (this letter nor remonstrance not to be found) Remonstrance therewith sent is ordered that Mr Secretary transmitt ye same to his Excellcy the Lord Culpeper that by his Lordship the same may be represented to his most sacred Majesty & most honoble Lords of the privy Council And it is likewise Ordered that pursuant to an order of the last Assembly the sheriff of Lower Norfolk County do proceed to collect Levys of the Inhabitants of Carrotuck as hold their Lands by patents from this Governments and that Mr Secretary write to him effectually therein.

Sr HENRY CHICHELEY'S LETTER TO THE SHERIF OF LOWER NORFOLK.

Mr Keeling

How you was obstructed in the performance of your duty relateing to yor taking a List of Tithables as directed by his Excellcys Letter pursuant to an order of Assembly, myself and the Council are well informed therein, with whose advice you receive this Letter being to require you to proceed in the collection of your Levy from the Inhabitants of Blackwater and Corrotuck as directed by his Excellencys lettr upon the order of Assembly in which just proceedings it cannot be thought you should meet with any Lett hinderance or molestation, but if any should presume under what pretence soever to obstruct or molest you, You are in that Case to signify the same unto me I am

Your affectionate friend

HENR CHICHELEY

September ye 29th 1680

[B. P. R. O. Colonial Papers.]

PETITION OF TIMOTHY BIGGS TO THE EARL OF DANBY, LORD TREASURER

[20 Nov. 1680.]

To the R^t^ Hono^ble^ Tho. Earle of Danby Ld High Treasur^r^ off England, the humble petition off Timothy Biggs Deputy Collect^r^ off his Maj^ties^ Customes in Albemarle als Roanoake in the province of Carolina authorized thereunto by Tho. Miller Esq. Comissioned chiefe Collecto^r^ by yor Ldshippes order to the Comission^rs^ of his Maj^ties^ Custome house in London.

Sheweth

That your petio^r^ had rec̄ed about 100 hogshds of Tobacco on his Maj^ties^ acco^t^ in the s^d^ County from the New England Men for 1^d^ ℔ lb Custome on Tobacco transported thence and should have rec̄ed some weekes after about 300 Hogshds more wch were due on Arrears of wch the s^d^ Miller in order to his Instructions from the Comiss^rs^ made demand & had taken care for Vessells to shipp the same of: But several factious persons in the s^d^ Countrey in A rebellious maner about or on the 3rd day off Decemb^r^ last, seized his Maj^ties^ Collect^r^ and all his officers together wth the Comand^r^ in cheife of the s^d^ County and all the Memb^rs^ of the Counsell & other Officers of the Governm^t^ that would not submitt to or act wth them imprisoninge them, debaringe them of inke and paper or anie accesse off friends to them, they seized and tooke from his Maj^ties^ Officers all his Maj^ties^ concernes there and suffered New England vessells to depart w^th^out shewing or paying his Maj^ties^ dews after wch yor petio^r^ made his escape from his imprisonm^t^ and hath taken this voyage to give yor Lordshipp A true state of this matter Most humbly praying yor Lordshipp will bee pleased to consider his care trouble and great charge herein and that wth new orders obedience may be comanded off those rebells and his Maj^ties^ dews received.

And yor petio^r^ shall ever pray &c.

(Indorsed)

Pet^n^ of Tim. Biggs to the E. of Danby
Read ye 20 Nov. 1680.

B B
P. 28.

Papers relateing to Biggs'
transactions when he
was in England 1678

This Petition by direction of ye L^ds^ P^r^p^r^t^rs^ I p^r^sented to ye Rt. Honble ye Ld Tresurer about May 1678 In p^r^sence of his Grace ye Duke of Albemarle who upon ℔usall of my petition & affidavit Or'd^rd^ mee to draw a Petition To ye Kings Majesty & Counscill & ye same wth myn Affidavit To p^r^sent unto them, but I was afterwards ord^rd^ by ye s^d^ Ld^ds^ P^r^p^r^t^rs^ for Reasons best known to themselves to disist.

Given und^r^ my hand ye 15th Augt 1679

TIMO. BIGGS Dep^ty^ to ye Earle of Craven.

I the subscribed doe Averr and am ready to be Deposed that the above written attestation and averm^t^ concerning ye Deliv^r^y of the within Petition is the hand of Mr Timothy Biggs

JNO. TAYLOR
1679.

[B. P. R. O. COLONIAL PAPERS.]

ANSWER OF THE LORDS PROPRIETORS OF CAROLINA READ THE 20 NOV. 1680.

In obedience to yor L^d^ps comand in yor ord^r^ of the 19th of July we have perused the petitions of Mr Thomas Miller and Mr Timothy Biggs and some of the Inhabitants of Albemarle in Carolina and according to the best information we can att present gett finde the matter of fact they complaine of to be as followeth.—

Mr Thomas Miller *without any legall authority* gott possession of the government of the County of Albemarle in Carolina in the yeare 1677 and was for a tyme quyetly obeyed but doeing many illegall and arbitrary things and drinking often to excess and putting the people in generall by his threats and actions in great dread of their lives and estates and they as we suppose getting some knowledge that he had no legall authority tumultuously and disorderly imprison him and suddainly after Mr Biggs and Mr Nixon for adhering to Mr Miller and abetting him in some of his actions and revive an accusation against Mr Miller of treasonable words for which he had been formerly imprison'd *but never tryed* And appoynt Mr Culpeper to receive the Kings Customes dureing the imprisonment of Mr Miller and did many other tumultuous and irregular things. Mr Bigs makes his escape and comes home to England and gives us information of these disorders upon wch we gott one Mr Seth

Sothell who is interested with us to undertake the Government who being a sober moderate man and no way concerned in the factions and animosityes of the place we doubt not but would settle all things well there and to whome we gave Instructions to examine into the past disorders and punish the offenders. And the Comiss^rs of his Maj^ts Customes gave him also a Comission to be Collecto^r of his Maj^ts Customes in Albemarle but Mr Southell in his voyage thither was taken by the Turks and carryed into Argiers.

As soone as we heard of Mr Sothell's misfortune we sent a Comission to one Mr Harvey to be Govr untill Mr Sothel's arrivall there, whose release we speedily expected With this Comission went Mr Robert Holden whoome the Comissioners of the Customes had appoynted Collector of his Maj^tes Customes in Albemarle in the roome of Mr Sothell; both these Comissions as we are informed were quyetly and cherefully obeyed by the people and Mr Holden hath without any disturbance from the People collected his Maj^tes Customes there and sent part of it home to the Comissioners here and part of the Customes having been made use of by the people in the tyme of the disorders they have laid a Taxe upon themselves for the repaying it to Mr Holden the present Collector

Not long after the settlem^t of the Governm^t in Mr Harvey he and the Council (as we are informed) did committ Mr Miller againe in order to the bringing him to a Tryall for the treasonable words he had formerly spoken, But Mr Miller breakes prison and comes for England And not long after Mr Bigs (who is by the Comissioners of the Customes appoynted Surveyor of his Ma^tys dues in Albemarle) and Mr Holden the Collector quarrell among themselves and Mr Bigs withdrawes himself from the Councill and perswades James Hill the Duke of Albemarle's Deputy to doe the same, hopeing thereby as we conceive to make a disturbance in the Governm^t Since then Mr Harvey is dead and the Councill have chosen Col. Jenkins to execute the place of Govern^r untill we shall appoynt another and all things as we are informed by letters from thence beareing date May June & July last are in quyet and his Maj^tyes Customes quyetly paid by the People, though Mr Bigs hath endeavoured to interrupt the same together with some others who being, as we are informed prosecuted for ayding Mr Miller in his escape and other misdemeanors are withdrawn into Virginia and which we conceive are the persons whose names are to the Petition presented to his Majesty. And this is the truest acc^tt we are able to give your Lordships how the cases of Mr Miller and Mr Bigs appeares to us. And to prevent the like disorders for the future which hath been in great measure occasioned by factions

and animosityes in which most or all of the Inhabitants have been engaged

We are sending Capt. Wilkinson thither Govern^{r} to whoome we shall give Instructions to examine into the past disorders and who being a Strang^{r} and not concerned in the factions and animosityes we have reason to hope will manage things with moderation and doe equall justice to all partyes and we undertake will take care so to settle all things that his Maj^{tes} Customes shall be duely paid to whomsoever shall be appoynted to collect the same.

Notwithstanding we think it our dutye to informe your Lordships that we are of opinion Mr Miller being deeply ingaged in the Animosityes of the place and having by divers unjustifyable actions as we are informed (besides Indictments found against him) renderd himself lyable to the sutes of perticular persons for Injuryes donne them from which he cannot by Law be protected That a Strang^{r} will doe his Maj^{tye} better service in that Imployment than Mr Miller and more conduce to the continuation of the quyet of the place which we submit to yor Lord^{ps} great prudence and rest

Your L^{d}ps most hnm^{ble} Serv^{ts}

CRAVEN

SHAFTESBURY

P COLLETON

[B. P. R. O. Colonial Entry Bk. No. 106. p. 234.]

AT THE COMMITTEE OF TRADE & PLANTATIONS IN THE COUNCIL CHAMBER AT WHITEHALL SATURDAY THE 20th OF NOV^{r} 1680.

Present

Earl of Sunderland.	Mr Hyde
Earl of Clarendon.	L^{d} Ch: Just: North
Earl of Halifax.	Mr Godolphin.

The Lords Proprietors of Carolina viz: the Earl of Shaftesbury, Earl of Craven and Sr Peter Colleton attend in pursuance of directions signifyed to them by order of the Committee dated the 19th of July last whereby their Lordships and the Commissioners of the Customs were desired to meet and conferr together in order to agree on some proposal

for resetling that Government and the peaceable and due collection of his Majᵗⁱᵉˢ Customs in that Province and to make report thereof unto the Committee And Thomas Miller Collector of the Customs there having presented divers petitions to his Majᵗʸ in Council concerning Carolina on the 14ᵗʰ of June and 30ᵗʰ of July which had been thereupon transmitted to the Lords Proprietors the said Petitions are now read Mʳ Miller being alsoe present After which the proposals made by the Commissioners of the Customs unto the Lords Proprietors containing three particulars concerning the Customs and His Majᵗⁱᵉˢ Officers are alsoe read together with the Answer of the Lords Proprietors upon the petitions of Thomas Miller and Timothy Bigs.

Divers other papers presented by Mʳ Miller touching the late disorders in Carolina and the hardships hee and others of his Majᵗⁱᵉˢ Officers had suffered there are alsoe read as likewise several papers delivered by the Lords Proprietors concerning the behaviour of Mʳ Miller in Carolina.

Upon consideration of the whole matter the Lords of the Committee think fitt that the Lords Proprietors and the Commissioners of the Customs doe finally agree on the best method for the recovery of the arrears of Customs due to His Majesty and the collection of such as shall bee payable for the future To which the Lords Proprietors signify their consent and doe further promise according to what is proposed by the paper presented by the Commissioners of yᵉ Customs to procure by their authority and influence in Carolina all just satisfaction to bee made unto Thomas Miller and the other officers of His Majᵗⁱᵉˢ Customs for the losses they have injuriously sustained in that Country And also to use their utmost power to secure them from vexatious suits.

[B. P. R. O. Colonial Papers.]

COMMʳˢ [OF THE CUSTOMS] PROPOSALL FOR RECOVERY OF THE ARREᵖARS IN CAROLINA 15 APRIL 1680

Read the 20 Novʳ 1680

Proposalls for the Recovery of the Arreares of his Majᵗˢ Customes in Albemarle in Carolina and for the Restitucon & Reperacon of the Estates of the Collector & his Depntyes Taken away and Damnifyed in the late Rebellion and for the future setling the Collecc̄ons.

Impʳˢ For the recovery of the Arreares.

When ye Inhabitants of Albemarle shall be reduced to the due obedience of the Lawes by such Wayes & means as ye Lords Proprietors shall find necessary For that end that a Commission shall be issued forth by their Lo^ps^ Authority to such as the Comm^rs^ of the Customes shall nominate to enquire upon Oath what Tobacco in specie Bonds or other Specialtyes for Tobacco Monyes &c. wch had been taken for the Kings dues by Tho. Miller Collect^r^ or his Deputyes and was taken out of his or their hands in the late Rebellion aforesd to whose hands the same came at any time since & in whose hands they now are or any part thereof And by whome the same were at first Taken away or to whose use or uses whether Inhabitants or Foreighners the same or any part thereof hath been Converted As also to Enquire what dutyes have been since Collected and by whome And to call all ℔sons to Acco^t^ who have intermedled therew^th^ or received the same As also to Enquire what has been sent to other plantac̄ons to escape the paym^t^ of the Duty since the late Rebellion and by whome & to whome the same was sold and by whome ye same was shipped or carried away by sea To the End the Comm^rs^ of the Customes may be fully apprized of ye whole matter what is reasonable & what not & w^t^ is fitt to be done further therein Either as to p^r^secuc̄on or Remission.

2. For ye Restituc̄on & Reparac̄on of ye Estates of ye Collector &c. That Mr Miller & his deputyes be restored to their Employm^ts^ and Estates in whatever specie whereever to be found wch they had at the Time of the s^d^ Rebellion from them And be fully repaird or as much as may be for any damage done them in their Estates by sush ℔sons to whose hands the same came or by whome they were Taken away or Embezled And to this End also That another Comission be issued forth to Enquire thereof And that if it be thought fitt That an Act of Oblivion y^t^ as well the afores^d^ Dutyes to the King as the Estate & damage of the Collecto^r^ & deputyes aforesaid be Exempted out of ye same And y^t^ by ye s^d^ Act or some other p^r^vision may be made for ye better recovery thereof And y^t^ it may be made highly penall for the future to oppose such Collec̄ons & Collectors.

3. For the settling his Maj^tes^ Customes for ye future That ye Lawes made for ye same be duely observed and put in Execuc̄on And y^t^ the Govern^r^ & all in Authority be Enjoyn'd to give all Countenance and assistance thereunto.

All wch is observed by ye Com^{rs} of his Maj^{ts} Customes to ye Lo^{ds} p^{r}priators of Carolina.

RICHARD TEMPLE
FR MILLINGTON
JOHN UPTON

Custome House London 15 Apr. 1680.

RECORD OF CULPEPER'S TRIAL FOR TREASON.

[B. P. R. O. Coram Rege Roll. 32 Charles 2. Trinity. Part 2. Roll 214.]

Midd:

Alias scilicet die Lune proxima post Crastinum Ascencionis Domini ultimo preterit coram Domino Rege apud Westmonasterium per Sacramentum duodecim Juratorum proborum et legalium hominum Comitatus predicti Juratorum et oneratorum ad inquirendum pro dicto Domino Rege et corpore Comitatus predicti presentatum existit quod quidam Johannes Culpepper nuper de parochia sancte Margarette Westmonasterium in Comitatu Midd: generosus ut falsus Proditor contra Serenissimum Dominum nostrum Carolum secundum Dei gracia Anglie Scocie Francie et Hibernie Regem fidei defensorem et naturalem Dominum suum Deum pre oculis suis non habens nec debit ligeancie sue ponderans sed motus et seductus Diabolica instigacione Cordialem dileccionem et veram debitam et naturalem obedienciam quas veri et fideles Subditi dicti domini Regis erga dictum Dominum Regem gererent et de Jure gerere tenentur penitus subtrahens et machinans et totis suis viribus intendens Guerram et Rebellionen contra dictum Dominum Regem in Carolina adtunc et adhuc existententes Dominium domini Regis in partibus transmarinis suscitare et movere et Gubernacionem dicti domini Regis ibidem subvertere Et dictum Dominum Regem a regali potestate et Regimine suis ibidem deponere et deprivare tercio die Decembris Anno Regni dicti domini Regis nunc vicesimo nono Et diuersis aliis diebus et vicibus tam antea quam postea apud Carolinam predictam in partibus transmarinis cum diversis aliis falsis Proditoribus Juratoribus ignotis compassavit imaginatus fuit et intendebat Gubernacionem dicti Dominii dicti domini Regis de Carolina predicta in partibus transmarinis predictis mutare alterare et penitus subvertere et Guerram et Rebellionem contra dictum Dominum Regem ibidem movere et levare et dictum Dominum Regem a regali potestate et Regimene suis ibidem deponere et deprivare Et ad easdem nefandissimas Prodiciones et proditorum imaginaciones et proposita sua predicta

perimplend: et perficiend: predictus Johannes Culpepper et alii falsi proditores Juratoribus predictis ignoti dicto tercio die Decembris Anno viccsimo nono supradicto Et diversis aliis diebus et vicibus postea apud Carolinam predictam adtunc existentes Dominium dicti domini Regis in partibus transmarinis vi et armis diaboliee malitiose et proditorie seipsos assemblaverunt et cum vi armata adtunc et ibidem fecerunt et levaverunt Guerram Bellum et Rebellionem contra dictum Dominum Regem Necnon adtunc et ibidem usurpaverunt contra dictum Dominum Regem Regalem Potestatem et regimen dicti dominii dicti domini Regis de Carolina predicta Aeeciam adtune et ibidem absque aliqua legali authoritate crexernnt et constituerunt diversas Curias in forma Jnsticie Necnon adtunc et ibidem furati sunt et spoliaverunt dictum Dominum Regem et diversos Subditos ejusdem domini Regis Juratoribus predictis ignotos de diversis Bonis et Catallis suis ibidem ad valeneiam decem Mille librarum legalis monete Anglie eontra legiancie sue debit: Et contra paeem dicti domini Regis Coronam et dignitatem suas Necnon contra formam Statuti in hujusmodi easu edit: et provis:—Per quod preceptum fuit vicecomiti Comitatus predieti quod non omittat &c quin Caperet eum si &e ad respondendum &e—Et modo scilicet die Veneris proxima post Crastinum sancte Trinitatis isto eodem Termino coram domino Rege apud Westmonasterium venit predictus Johannes Culpepper sub custodia Willielmi Riehardson generosi Custodis Gaole dicti domini Regis de Newgate virtute Brevis dicti domini Regis de habeas Corpus ad subjiciendum ei inde directi in cujus eustodia ex eausa predicta preantea commissus fuit ad Barram hic ductus in propria persona sua qui committitur Marresealcie &e Et statim de premissis superius ei impositis alloquutus qualiter se velit inde acquietari dicit quod ipse in nullo est inde Culpabilis Et inde de bono et malo ponit se super Patriam Ideo veniat inde Jurata eoram dicto domino Rege apud Westmonasterium die Veneris proxima post Octabas sancte Trinitatis per quos &c et qui &c ad recogn: &c quia tam &c Idem dies datus est prefato Johanni Culpepper sub custodia prefati Custodis Gaole dieti domini Regis de Newgate predicta interim commiss: salvo custodiend: quousque &c Ad quem diem coram domino Rege apud Westmonasterium venit predictus Johannes Culpepper sub Custodia predicti Willielmi Richardson Custodis gaole predicte in propria persona sua Et Juratores Jurate pre dicteper viccomitem Comitatus Midd: predicti ad hoc impanellati examinati similiter veniunt qui ad veritatem de premissis dicendum electi triati et jurati dicunt super sacramentum suum quod predictus Johannes Culpepper non est Culpabilis de alta prodicione predicta in Indictamento predicto specificata prout idem Johannes superius placi-

tando allegavit nec ea occasione unquam se retraxit Ideo Consideratum est quod predictus Johannes Culpepper eat inde sine &c.

Quietus sine die &c.

1681.

[B. P. R. O. Col: Ent: Book. No. 20. p. 156.]

INSTRUCTIONS TO CAPTAIN HENRY WILKINSON GOVERNOR OF THAT PART OF THE PROVINCE OF CAROLINA THAT LYES 5. MILES SOUTH OF THE RIVER OF PEMPLICO AND FROM THENCE TO VIRGINIA.

1. We haveing agreed upon a Modell of Government which you will find signed and sealed by us amongst the records of our County of Albemarle to be the fundamentall Constitutions and forme of Government of our Province of Carolina for ever And not being able att present to putt it fully in practice by reason of want of Landgraves and Cassiques and a sufficient number of People However intending to come as nigh it as we can in the present state of affaires in all the Collonyes of our said Province.

2. You are required as soon as conveniently you can after the receipt of these our Instructions in our names to issue out writts, to the foure Precincts of the County of Albemarle requiring each of them to elect five freeholders who are to be their Representatives: To whom the five persons chosen by us being added, and who for the present represent the Nobility are to be your Assembly. They having chosen a Speaker, you are in our names to require them to elect five persons who being joyned to those five deputed by us, are to be the Councell by whose advice and consent or at least the major parte of six of them all being summoned you are to Govern according to the Limitations and Instructions following Observing what can att present be put in practice of our fundamentall Constitutions and forme of Government Which Councell for the present shall be in stead of the Grand Councell mentioned in our fundamentall Constitutions And to exercise the same Powers and jurisdictions the said Grand Councell is to doe by our said fundamentall Constitutions and forme of Government and so to be and continue untill we shall otherwise direct.

3. You are to cause all persons so chosen to sweare Allegiance to our Soveraigne Lord the King and subscribe to beare Fidelity and submission to the Proprietors and forme of Government by them established. But in case any man for Religion sake be not free to sweare then shall he subscribe the same in a book for that case provided which shall be deemed the same with swearing.

4. Yourself and the five deputys of the respective Proprietors are to represent the Pallatines Court and exercise the same jurisdictions and powers that by our Fundamentall Constitutions and forme of Government to that Court doth apertaine.

5. You are by and with the consent of the Councill to establish such Courts and soe many as you shall for the present think fitt for the administration of Justice till our Grand Modell of Government can come to be putt in execution.

6. You are by and with the consent of the Assembly to make such Lawes as you shall from tyme to tyme finde necessary which Laws being ratified by you and any three of our Deputys shall be in forme as is in that case provided in the 12th and other Articles of our Fundamental Constitutions and forme of Government which Lawes soe made you are with all convenient speed to transmitt unto us for our approbation.

7. You are as soone as conveniently you can to gett the Surveyor Generall to divide the County into squares of twelve thousand acres By which we intend not to alter any man's right; but that those measures and rules we have agreed on in our Fundamentall Constitutions and forme of Government may the sooner and easier come to be putt in practice amongst you.

8. You are to take notice that we doe grant unto all free persons that doe come to plant in Carolina before the 25th day of December 1684 and are above the age of sixteene yeares sixty acres of land and to the said free persons for every able man servant with a good firelock 10 pound of powder and 20^{lbs} of Bullets 60. acres of land And for every other sort of servant 50. acres to his or her proper use and behoofe and to their heirs &c. for ever.

9. Any person having transported himselfe or servants into the County to plant shall make the same appeare to yourselfe and Councell who shall thereupon issue out a warrant to the Surveyor Generall to lay him out a parcell of land according to the proportions mentioned in these our instructions, and the Surveyor haveing done the same, and the warrant with the Surveyor Generalls returne thereon being recorded and the person to whome the Land is granted haveing sworn or subscribed allegeance

to our Soveraigne Lord the King submission and fidelity to the Lords Proprietors and their fundamentall Constitution and forme of Government you are under the seale for that use provided to pass this following Grant

William Earle of Craven his Majesty's Lord Lieutenant of the County of Middlesex and Burrough of Southwarke Pallatine and the rest of the true and absolute Lords and Proprietors of the Province of Carolina.

To all to whom these presents shall come greeting in our Lord God Everlasting Know yee that wee the said Lords Proprietors according to our Instructions dated att Whytehall the day of Febr 16 Remaining upon record in the County of Albemarle in the Province aforesaid doe hereby grant unto A. B. of the said County planter a Plantation of Akers of land English measure, lyeing and being in the Precinkt of A. in the County aforesaid bounded the land being due to the said A. B. by and for the transportation in the County of persons whose names are upon Record under this Pattent To have and to hold the said Plantation unto the said A. B. his heirs and assignes for ever with Priviledges of Hawking, hunting Fishing Fowling with all woods and trees with what else is there growing standing and being except all mynes mineralls all quarrys of Jemms or precious stones Yealding or paying therefore unto us our Heirs and successors yearly every 29th day of September according to the English accompt one Penny of lawfull English money for every of the said acres to be holden of us in free Soccage. the first payment of the Rent to begin the 29th of September which shall be in the yeare of our Lord 1684 Provided always that if the said Land be not settled within one year after the date hereof then this Pattent to be voyd else to stand in full force.

Given att under the Seale of the County of Albemarle this day of A. D. being the year of our Possession of our Province of Carolina. Witness Henry Wilkinson Esqre Governor and Commander in Cheife of our said County and our trusty and welbeloved our Councellors who have hereunto sett our hands the day and year above written.

Although by our Fundamentall Constitutions we have reserved to ourselves one Penny per acre rent of all lands in Carolina yett forasmuch as there are divers persons in the County of Albemarle who were possest of land there by virtue of grants from Sir William Berkely att one farthing per acre quitt rent And others were possest and had rights to land whilst by our Instructions to the Governor of Albemarle we reserved to ourselves but one halfe penny per acre quitt rent we think itt just that

those persons should injoy their lands under the same quitt rents they were granted to them when by virtue of our Instructions Lands were due to them for haveing come into the said County or brought or sent servants to plant there. Wherefore you are in our names and according to the forme in these Instructions prescribed to pass our Grants to all persons att one farthing per acre quitt rent who shall desire such Grants, and shall make it appeare to yourselfe and our deputys that they had Grants from Sir William Berkeley under that quitt rent before the 25th day of Decr Anno 1663 and not fortyfyed the same by virtue of the act of Parliament by us past and confirmed the 20th day of January 1669. intituled an Act for the better and speedier seating of land, and you are to pass the like Grants att one halfe penny per acre quitt rents to all persons who shall desire the same and had rights to land before the publishing Instructions by us sent to Mr Harvey and bearing date the 5 Febv 1678 and have not forfeited the same by virtue of the aforesaid Acts. but you are not in the Grants of one farthing per acre to allow the same time for the beginning of payment of quitt rents that is allowed to those who are to pay one penny per acre quitt rent, for we expect those who are to pay one farthing per acre and those who are to pay one halfe per acre quitt rents, there rents shall be paid from the tyme they ought to have been paid by virtue of our Instructions and those who have Pattents for Sir Wm Berkeley before the year of our Lord 1663, we expect should pay the said quitt rents from the tyme they were to have paid them by the said Pattents.

You are to choose some fitting place in a Collony whereon to build the cheefe Towne of Albemarle in the choyce of which you have regard to health plenty and easy access you are to endeavour to gett the Parliament to rayse wherewithall to build a house for the meeting of the Councell and Parliament in said Towne and when the said house is erected the Council and Parliament are allways to sitt there and allso the Surveyors Registers and Secretarys offices are there to be kept and in no other place and also the Court of Common Pleas and Sessions of the Peace And you are to gett the Parliament to pass an act that noe Store shall be kept strong Drink or any Goods sould by retayle but in the said Towne and you are to cause all vessells that shall come in to Albemarle River there to loade and unloade as by our Fundamentall Constitutions is required.

You the Governor of our said County are to be Commander in Cheife of all our forces raised or to be raised in our said County of Albemarle over whome you are to place Officers and cause them to be duly exercised in Armes and to doe all other thing and things that to a Comman-

der in Cheefe doth belong And you are to summon the Councell to meete as often as you shall see cause and are to doe and execute all those powers and authoritys which by virtue of our Fundamentall Constitutions Temporary Lawes and Instructions a Governor ought to doe.

You are allsoe by and with the consent of the major part of our Deputys to adjourne prorogue and dissolve the Parliament as to you shall seem most convenient for the good and quyet of the County.

Whereas complaint hath been made to us that divers persons have by force and violence been dispossessed of their Goods and Estates dureing the tyme of the late disorder in the County of Albemarle and that it cannot be reasonably expected that men who have been any way concerned of the one syde or the other in the said Disorders will be soe impartiall as those that had not att all any hand in them. You are therefore as soon as conveniently you can after your Arrivall in the said County with the consent of the major part of the Councill to choose 4. able judicious men and who have not been partyes, or any way concerned in the late disorders who together with yourselfe or any 3. of you yourself being one are to be a Court to heare and determine according to law all suites complaints or actions that shall be brought by any person for having without due course of law and violence, been during the tyme of the said disorders dispossessed of his Goods or Estate and to grant Execution provided the said sute complaint or action be brought by persons residing within the said County within the space of 6. months after the first sitting of the said Court, and within the space of 2. years by such as are not resident within the said County; those entred or brought after the said tyme are to be tryed as other common Actions.

If you our said Governor shall depart out of the Province of Carolina, you are before your departure to appoynt with the consent of the major parte of the Councill a deputy Governor who shall execute the Powers and Authoritys by us to you given untill you returne into your Government or that we shall authorize direct or commissionate another but if you our said Governor happen to dye then the Councill for the tyme being shall be forthwith summoned to meete by the eldest in yeares of our Deputys; or in case he faile to doe it by the next: who being mett shall choose a person to be Governor who being soe chosen shall be Governor to all Intents and purposes as if commissionated by our selves and execute the powers and authoritys to you given by our Commission and Instructions and soe continue untill our pleasure shall be signified to the contrary by granting a Commission to some other. You are to take notice that it not appeareing to us that Sir William Berkeley did dure-

ing his life tyme convey his proprietorship to any person for want of which it is devolved, nor not haveing paid a penny towards the settlement of our Province, we doe not think fitt to admitt the Heirs or Executors of the said Sir William to have anything to doe in Carolina as proprietors untill they shall have made itt appeare that they have right soe to doe; wherefore you are not to admit of any Deputy from the Heirs or Executors of the said Sir William nor allow unto them any other thing as proprietors untill you have directions from us soe to doe.

You are likewise to take particular care that the bounds betwixt Virginia and Carolina be adjusted according to the Limits granted us in our Pattent.

CRAVEN.
SHAFTSBURY.
P. COLLETON.

POSTSCRIPT.

Since the Lords sate their hands to this they have ordered me to incert these following particulars vizt:

That you be sure as soon as you can to send home the mapp of the County mended by your owne or frds: experience.

That the Damadges of the King's Officers may by you be enquired into that there may be a sumary way of giveing them satisfaction.

SAM. WILSON. secretary
by order of the Lords Proprietors.

[B. P. R. O. COL: ENT: BOOK. No. 20. P. 174.]

WHYTEHALL JULY 13. 81.

We being informed that there are many Whales upon the Coast of Carolina, which fish being by our Fundamentall Constitutions reserved for us: we have notwithstanding (for the incouragement of Carolina) thought fitt to give to all persons whatsoever that are Inhabitants of our Province free lease for the space of seaven yeares to commence from Michaelmas next to take what whales they can and convert them to their owne use and this our concession you are to make publick that any that will may take the benefitt of itt we rest.

Your assured friend

CRAVEN p[r]
ALBEMARLE SHAFTSBURY
P. COLLETON ARCHDALE
BATH for my LORD CARTERET

To the Governor and Councill at the north part of our Province of Carolina.

[B. P. R. O. Col: Ent: Book. No. 20. p. 175.]

WHITEHALL THIS OF SEPTEMBER 1681.

Whereas Seth Sothell Esqre hath bought the Earl of Clarendon's share of Carolina and is thereby become one of the true and absolute Lords and Proprietors of the Province of Carolina and whereas by virtue of our Fundamentall Constitutions it is provided that the eldest proprietor that shall be in Carolina shall be Governor you are to obey him as such if there be no elder proprietor there then himself

we rest

Your loving friends

CRAVEN p^r^

SHAFTSBURY

P. COLLETON.

[B. P. R. O. America & W. Ind: No. 637.]

THE PETITION OF PROPRIETORS OF CAROLINA.

London X^br^ 20th 1681

To the R^t^ hon^ble^ the Lords Comitte for Plantations.

The Proprietors of Carolina Humbly offer

That whereas they have seene by yor Lordshipps ord^r^ an Extract out of the ord^r^ of the Assemblyes of Virginia of the 3^d^ of July 1681 for ye Levying the Rents upon the Inhabitants of Blackwater & Corotuck, Which affaire is easilly decided if your Lordshipps please to take a view of their Patent which they herewith p^r^sent unto you, And wherein yor Lordshipps will find, that the Boundaryes between Virginia & Carolina are exactly set down; (vizt) extending North and Eastward as farr as the North end of Corotuck River or Inlett, upon a streight Westerly line to Wyanoak Creeke, wch lyes within or about the degrees of thirty Six and thirty Minutes Northern Lattitude, and soe West in a direct line as farr as the South Seas. Soe that there can be noe further dispute in the affaire if your Lordshipps shall please to send yor order to the Goverm^t^ of Virginia, takeing notice that your Lordshipps have seene those Boundaryes granted to us under the Broad Seale, And requireing that they send Comission^rs^ upon any certaine day your Lordshipps shall appoint in July

or August next, to meet at Currah-tuck with such Comission[rs] as we shall appointe in obedience to your Lordshipps order; And that they set out and Adjust the Boundaryes betweene the two Collonyes of Virginia & Carolina as farr as Wyanoak Creeke which we humbly conceive is so faire a method that noe exceptions can be made against it by the Goverm[t] of Virginias

1682.

[B. P. R. O. Colonial Entry Bk. Vol. 93. p. 169.]

THE KING TO THE PROPRIETORS OF CAROLINA 10 DECEMBER 1682

Right Trusty & Right Entirely Welbeloved Cousin and Counsellor, Right Trusty & Right Welbeloved Cousins & Counsellors Right Trusty and Welbeloved and Trusty & Welbeloved, We greet you well Whereas we are given to understand that our Right Trusty & Welbeloved Cousin Maurice Viscount Fitzharding is heir at law to Sir Wm. Berkeley Knt. deceased who by our letters patents under the great seale of England bearing date the 30th day of June in the 17th year of our Reigne was constituted one of the Proprietors of our Province of Carolina in America To hold and enjoy to him and his heirs for ever all benefits estate interest power & privileges equally with any other to whom the said Province was granted as aforesaid And whereas we are also humbly informed that altho divers of you hold by descent or assignment of the original Lords & Proprietors since deceased yet some question hath arisen amongst some of you whether by survivorship or some other way the title and interest of the said Sir Wm. Berkeley and his heirs be not legally lost & extinguished or accrued unto you the surviving and present Lords & Proprietors of the said Province We have thought fit at the humble request of the said Maurice Visc[t] Fitzharding and as a mark of our particular favor towards him hereby to declare & signify that our intent & meaning in & by our said letters patents was and is that he the said Sir Wm. Berkeley should hold & enjoy to him & his heirs & assigns all the estate interest share & advantages by us granted to him in our said letters patents without being subject to such lapse or avoydance as is now suggested as aforesaid And we doe therefore hereby most effectually

recommend him the said Maurice Visc^{t} Fitzharding unto you for & in order to his having & enjoying the Proprietorship Signiories powers interest and share or part of the said Sir Wm. Berkeley in ye said Province & your investing & estating him the said Maurice Visc^{t} Fitzharding his heirs & assigns in & to the same To hold to him his heirs & assigns as fully & as amply to all intents & purposes as he the s^{d} Sir Wm. Berkeley did or might at any time during his life have held & enjoyed or challenged to have held & enjoyed the same or as any other of the Lords & Proprietors or their heirs or assigns doe or may hold or challenge to hold & enjoy their or your respective Proprietorships in the said Province by vertue of our letters patents before ment^{d} or of any Agreement Articles Laws or Constitutions made by them or you or any of you touching & concerning the descent partition or succession of their or your respective Proprietorships or otherwise howsoever the said pretended lapse or any other matter cause or thing whatsoever to the contrary thereof in anywise notwithstanding And we not doubting of your ready compliance herein We bid you farewell

Given &c. Whitehall December 10th 1682 By his Ma$^{ty's}$ comand
COVENTRY

To Our &c. the Proprietors of
our Province of Carolina
in America—

1683.

[B. P. R. O. Colonial Entry Bk. No. 107. p. 113.]

AT THE COMMITTEE OF TRADE & PLANTATIONS IN THE COUNCIL CHAMBER AT WHITEHALL THURSDAY 25 OF JANUARY 1682–3

Present

Lord Keeper	Earl of Conway
Lord Presid^{t}	E. of Rochester
E. of Sunderland	Ld. Visc. Falconberg
E. of Clarendon	Ld. Bp. of London
E. of Craven	Lord Dartmouth

* * * *

Sr Peter Colleton one of the Proprietors of the Bahamas Islands being called in and asked concerning the clause in that Patent empowering them to make warr hee takes notice that the same is common to all Patents granted to Proprietors and declaring that they doe not understand it otherwise than to make war with ye Indians and that they have already given order for taking Capt Clerk into custody and removing him from the governm^t^ their Lo^ps^ think fit to supersede their former order for bringing a scire facias against their Patents and that directions be sent to all other Proprietors in the West Indies that they do not make any other use of that clause.

[B. P. R. O. SHAFTESBURY PAPERS. BDLE 48. No. 101.]

LOND^on^ M^rch^ 7. 1682–3

May it please y^or^ L^p^

Though my soe late comeing to towne does not permit me to give y^or^ Lp such an acc^tt^ of things as I intend, yet I could not discharge myself my obligac̄on and duty to yor L^dp^ without troubling att this tyme.

I think myself ev^r^ bound by those fav^rs^ your Ldp hath already showne me to study to serve your Inter. wch it lyes in y^or^ Ld^p^ power to make mee capable of and which I shall ever discharge with all fidellity imadginable

I am prepareing a copy for my Ld Ashley as likewise one of the Constitutions and Description of y^r^ Country, wch with other papers shall trouble yor Ld^p^ on Monday next

I beg yor Ld^p^ to informe yor self concerning the Propp^rsp^ of Carol^a^ for that sence my comeing hither I hath mett with a Gentleman who would be glad to buy it and I can help yor Ldp to 500. more than any was ever yet sold for, if yor Ldp and Ld Ashley think of disposeing if not if yor Ld^ps^ heaps yor fav^rs^ upon me I shall be but the more capable of serving you.

Yo^r^ Ld^p^ hath it in yor power as Guardian to (and wth my Ld Ashley's consent) make whoome you please a Landgrave and another Casique each Proprietor haveing it in his power to make two Caciques and one Landgrave Capt Wilkinson was nominated a Cacique by my Ld soe that yor Ld^p^ may make another and a Landgrave my Ld yor Ldp^s^ father did intend to have made Mr Percivall a Landgrave (as your Ld^p^ will perceive

by the Copy of the Pattent the Originall) I shall send till he his fraudulent and base dealings with him My L^d^ if your Ldp doth not nominate somebody a Landgrave presently the Pro-p^ers^ wil soone make it their joynt request to make one whoome they shall nominate as they dayly doe to one another. Soe that hereby a person whoome yor L^dp^ confers it on shall think himselfe more beholding to the others for Intercession; than to yor Ld^p^ for Donation whereas if yor Ld^p^ thinks me a fitt subject for your fav^r^ who are goeing thither (which another viz Mr Locke and many more never wil) I may be capable of serving yor Ld^ps^ by disposing yr land viz 12000 acres to the best advantage or else send you a Map of it and take care that none other meddles with it.

I have likewise something else in my thoughts wherein I am so vaine as to think I may be servicable to yor Ld^p^ in those parts I shall improve my experience to yor Ld^ps^ Interest and in the meane tyme rem^e^

May It please yor Ld^p^

Yo^r^ Ld^ps^ most humble servant

SAM WILSON

My most humble duty
to my Ld Ashley

[B. P. R. O. B. T. Va. 58.]

ORDER OF COUNCIL FOR COLLECTING PUBLICK DUES OF Y^e^ INHABITANTS OF CARROTUCK

At a Council Held at Green Spring May 22nd 1683

Present

His Excellency Thomas Lord Culpeper Governor Collonel Anthony Lawson the present Sherif of Lower Norfolk and all succeeding Sherifs are hereby Ordered and Required pursuant to an order of Assembly made in 1680 and directions therein given to Captain Adam Keeling then Sherif thereof to demand ask Levy require and receive Quittrents Levys fees and all other publick dues from the Inhabitants of Currituck and all others there adjoining that Claime and hold their Lands by virtue of patents issued from the secretary's Office of this Government and in case of their or any of their refusals or failures thereof that then he & they Levy the same by distress as in ye like cases on any other his Matys Subjects of this Colony

[B. P. R. O. SHAFTESBURY PAPERS. BDLE 48. No. 102.]

THE R^t HON^oBLE THE LDS PROP^es OE CAROLINA ARE D^rs TO SAMUELL WILSON FORM^oLY THEIR SEC^ry

For ye Descripc̄ons of Carol^a viz. 400 To Jno Archdale Esqre 100 to Sr Peter Colleton & 100 distributed p^d ord^rs at 4^d	£10		
For a Plate of ye Map of Carolina & printing 2000	£	2	3
To coachhyre thrice to ye Councill Chamb^r to satisfye ye Comitte ye bounds of Carol^a in ord^r to adjustm^t	£		9
To P^d Mr Abde Postage of Lett^r	£		3 6
To P^d Mr Gascoyne for the Map of Carolina	£		11
To p^d Porters 5. tymes carrying noates to meet att Sr Peter Colleton	£		5
To coachhyre to ye Att: Gen^ll wth ye Patt^t twice	£		5
To Portage wateridg coachhyre in getting yor Lp^s subscripc̄ons	£	3	16
To Translating ye constitūcons into French a Guiney	£	1	1 6
To Lace skins &c & for ye Const^ns sent to Carolina Jan 10th 82	£	2	10 4
To P^d Mr Clark engrossing 16 sheets of ye Const^ns requiring dispatch	£	2	8
To Ruleing. wax & brass boxes	£		8 3
To mending ye broad & hand seale of Carolina	£	1	3
To P^d for a Copy of Pens Indentures	£		10
To P^d for Paper Pens and Ink from first to last	£	3	14 2
To P^d Mr Clark writing ye Const^n being y^s last tyme of amendm^t	£	3	
To d^to p^d him drawing out ye article relating to ye Scotch	£		10
To p^d Mr Wightman Publ: not^a drawing out a copy & attesting it	£		8
To p^d for setting down advertisements 6 tymes	£		6
To p^d for writing one of ye Const. sent p^d Kennyday	£		15
To p^d for inserting in ye Intelligence a copy of Sr Peters Lett	£		1
To my wages from ye 21^t M^rch 1678 to ye 21 M^rch 1683 in 5 y^rs at 20£ p^a an. in £100: rec^d in pt £50: remaynes	50		
Err^rs Excepted p^r me SAM WILSON	£84	7	9

London May 10th 1683.

(Indorsed)
The L^de^ Prop^es^ of Carol^a^
their acc^tt^

SAMUEL WILSON
10. May. 1683.

L. Prop^es^
1. E. Craven
2. Ld Carteret
3. Ld Ashley.
4. Sr Peter Colleton
5. Esqre Archdale
6. Esqre Amy
7. Esqre Sothell
8. —for^ly^ Duke of Albem^le^

[B. P. R. O. COLONIAL ENTRY BOOK. VOL. 21.]

St JAMES's 1682.

You

By virtue of ye place of ye Vice Palatine or Governor have a Negative upon all Voates of ye Palatines Court & by Consequence of all those of ye Grand Councill also, except in snch things as are reserved by the Fnndamental Constitutions to be absolute in y^r^ yower of ye Grand Councill by wch means you have power to hinder any Imprudent Resolutions they may take, you ought to keep good order in ye Debates of ye Councill when any one speak he should do it wth his hatt off and with ye respect due to ye place who are there a Representative of the Palatine & by Consequence ye King from whence ye Palatine's power is originally derived and it was in Culpeppers Case who make disturbance in Albemarle in Carolina for which he was indicted of high treason at the Kings Bench Barr declared to be Treason for any man to take up Armes ag^t^ our Government it being Levying warr against our King.

P. COLLETON

The above being part of a Letter read in Councill this 13th August 1683 from Sr Peter Colleton to yor Governor.

[B. P. R. O. Col: Ent: Book. No. 20. p. 210.]

AT A MEETING OF THE LORDS PROPRIETORS OF CAROLINA THE 14th OF DECEMBER 1683. AT THE DUKE OF ALBEMARLES

Present

The Earle of Craven P[t]
The Duke of Albemarle
The Earle of Bathe
Sir Peter Colleton.

Ordered

That a letter be forthwith drawn to M[r] Seth Sothell Governor of the County of Albemarle requireing him to send hoam the names of those with whome he fild the blanks for the Lords Proprietors deputys and if any of them bee put in that had any hand in the late disturbances there that he put them out and fill the deputations sent with such as are honest men and not concerned in the said disturbances and to send the said M[r] Sothell a Copie of that Article of the Instructions for the Government of Albemarle that requires the comissionating of three persons not concerned in the aforesaid Disturbances to be a Court for the tryall of such actions as shall be brought for the Injuryes done to any man by the actors in them and to require of him to certifie by the first opertunity how the said article is complyed with and if it be not what is the Reason of it and that he doe forwith with the advice of M[r] Archdale choose four of the discreatest honest men of the County who were no way concerned in any of the said disturbances to be Justices of the County Court and also an able man so qualified to be sherrif of the County that there may bee a Court of impartiall persons for the tryall of all actions that have relation to the late disorders that those injured may have right done them according to Law.

2. That M[r] Biggs bee required to set downe in writeing in distinct Articles wherein he hath been injured contrary to Law by M[r] Sothell or any other person in office of Carolina and deliver the same to the Lords Proprietors that they may be enabled to consider what course they may speedyly take for his redress if any Injury appeares to be done him.

3. That M[r] Sothell and all other Governors direct those their letters that concerne the publick of Carolina or Lords Proprietors in Generall to the Pallatine.

That he send a particuler of the quitt rents and other perquisits of Carolina.

That he give an account how the affair of Colonel Ludwells land stands and why it is detained from him.

That he take a prudent care for the preserveing of our bounds and other rights.

Aproved of the Bargin made by Sir Peter Colleton with Coll: Phillip Ludwell in behalfe of the Lord Proprietors for my Lady Berkeleys right to the Proprietorship that was Sir William Berkeleys for £300.

That Mr Timothy Biggs his land be confirmed to him and his wife if she consent to it otherwise to his wife only.

Memdūm. The said Proprietorship purchased of the Lady Berkeley widdow of Sir William Berkeley Governor of Virginia and afterwards wife of Coll: Phillip Ludwell by Sir Peter Colleton in behalfe of the four Lords Proprietors namely the Duke of Albemarle the Earl of Craven, Lord Carteret and the said Sir Peter Colleton was afterward conveyed in trust to Thomas Amy Esqre for the abovesaid four Lords Proprietors.

1684.

[B. P. R. O. Colonial Entry Book. Vol. 97. p. 103].

ORDER FOR PASSING A LAW IN THE PLANTATIONS AGAINST PIRATES AND PRIVATEERS.

At the Court at Whitehall the
27 of Feb^{ry} 1683.(–4)

By the King's most excellent Majesty and the Lords of His Maj^{ys} Most Honble Privy Councill.

Whereas the Right Honble the Lords of the Committee for Trade and Plantations did this day report to the Board, that Sir Thomas Lynch having represented to them the great damage that does arise in His Majesty's service by harbouring and encouraging of Pirates in Carolina and other Governments and Proprietys where there is no law to restrain them, their Lordships were humbly of opinion that a Draught of the Law now in force at Jamaica against Pirates and Privateers bee sent to

all other Governments and Proprietys in America with his Majesty's Directions that it be passed into a Law in each Place; and that all possible care bee taken by the respective Governors and Proprietors that the same be put in execution as they will answer the contrary; Which His Majesty having taken into consideration, was pleased to approve thereof, And did Order That the Right Honorable M[r] Secretary Jenkins do transmit Copies of the said Law made at Jamaica against Pirates and Privateers to all other the Governors and Proprietors of His Majesty's Plantations in America with directions to them in His Majesty's name to cause the same to be passed into a Law in each place, and to be duly put in Execution as is advised in the said Report.

JOHN NICHOLAS.

[B. P. R. O. Colonial Entry Book. Vol. 97. p. 111.]

LETTER FROM LORD CRAVEN TO LORDS OF TRADE (27. MAY. 1684)

My Lords,

I have seen what Sir Thomas Lynch hath written to your Lordships concerning the reception of Privateers at Carolina. Upon enquiry I am informed that one Jacob Hall did touch there to wood and water as he came from La Vera Cruz, but belonged not to the place, nor had no Inhabitant of Carolina with him, and stayed but a very few days, and then sayled for Virginia. Hall acted under Van Horn, who had a Commission from the French; and His Majesty's Pleasure not to suffer his subjects to take Commissions from forreign Princes not being known in Carolina is the reason I conceive he was not secured.

I never could hear but of one more that ever was there, and he not pretending to any Commission from any forreign Prince, and having taken some vessells was indicted for the same, and being found guilty was executed, and himself and two more, the most guilty of his Company, hung in chains at the Entrance of the Port, and there hang to this day for an example to others, And at Providence, which Sir Thomas Lynch hath heretofore blamed for receiving Privateers, all imaginable care was taken by the Governors to suppress them, and no attempts upon the Spaniard made from those parts but at the instigation of a person commissioned by Sir Thomas Lynch to take Pyrats as your Lordships may see by the enclosed Abstract of his letters. Wee have now sent to

Carolina His Majesty's Proclamation for prohibiting of his subjects from entring into the service of forreign Princes, and the keeping of the neutrality, with strict order for the Observation of it, which I doubt not but will be punctually obeyed; and also the orders to pass a law suitable to that of Jamaica for the suppressing of Privateers, so that I humbly conceive your Lordships will hear no more complaints that Privateers are received in Carolina. Wee having takeu all imaginable Care for the preventing of it for the future, and I am &c.

CRAVEN

Mem.^{d} Mr Cranfield speaks of one Pain at New Plymouth with a false Commission from Sir Thomas Lynch.

Rec^{d} the 27th May.

1674.

[B. P. R. O. Colonial Entry Book. No. 22. p. 33.]

POSTCRIPT TO Mr SOTHELL OR RATHER ADDITION

We have sent you our fundamentall Constitutions as Regulated by us wch wee desire you to signe & seale & send us back two of them signed and sealed by y^{r}selfe & that you will under your hande and seale give power to some p^{r}son to signe and seale the originall wch is under our hands and seales heare that it might be sealed by all the proprietors there being no-ones hand-writing but yo^{rs} Wee have thought fitt to apoint Mr Francis Hartly to be the Secretary of Albemarle of wch you are to take notice & ꝑmitt him to Injoy the ꝑquisits thereof. Wee herewth send you the Kings proclamation how his subjects shall behave themselves in the p^{r}sent warr between the two neighbor Crownes wch you are publish & see punctuelly obeyed you are to take spetiall Care that due assistance be given to his matestys officers in collecting the Duty upon tobacco &c transported from Carolina to other plantations & if any officer or magistrat shall not doe his duty herein you are to displace him & put another in his room.

We wrot you the 6th of November by Coll^{o} Ludwell wch containeing matters of Importance wee herewth send the copie of it that if the originall be not come to yor hands you may by the Copie see o^{r} desires & comply wth them.

Mem the above 15 lines was aded to ye letter in 23 & 24 relating to Privateers and directed to Seth Sothell Esq. Govern^{r} of ye no: part of Carolina

1685.

[B. P. R. O. Colonial Entry Book. No. 22. p. 26.]

Whitehall ye 14th February 1603–4*

There is Lately come into England from Albemarle in Carolina Mr Timothy Biggs who hath Complained to us of severall Injurys done him there for wch he can have no redresse by men you have Impowered to try causes being as he alleadgeth those very ℔sons who Joined in ye Late disorders & did him ye Injury as you will see more att large by a Copie of his paper wch is here inclosed sent you

When you had blanke deputations given you it was y^t^ you upon the place might fill them up wth such ℔sons as might be most for ye Kings Honnour & service & who by being unconcerned in ye past Differences might be most likely by Just governm^t^ of affairs & equall distribution of Justice to put an end to all Causes of Complaint from any ℔sons for ye future

Wee did also in our Instructions for ye Governm^t^ of Albemarle order & apoint y^t^ ye Governor should wth the consent of the Councill choose three discreet men who were no way concerned in the past Irregularitys & disorders there who together wth ye Governor for the time being should be a Court for ye tryall of all actions y^t^ had Relation to ye aforesaid disorders But Mr Biggs Informes us y^t^ y^e^ ℔sons wth whose names you have filled the Blank Deputations are such as were great actors in them against the Kings Interest & that you have erected no such Court as wee Directed whereby he could have no Justice done him to wch wee know not what to say you not haveing informed us wth whose names you filled the said blanke deputations nor have you written how you have complyed wth our order for erecting a court of Indifferent ℔sons a copie of wch order a copie is here Inclosed sent you.

Wherefore we now Require you to Informe us by the very first opertunity wth whose names you filled the blanke Deputations & if any of them are such as had any hand in the late disorders y^t^ you put them out & fill the blankes now sent wth the advice of Mr Archdale wth such ℔sons as were not concerned in them who by their prudence & peaceablenesse of their tempers may be most likely to contribute best to his Majestys Service & ye peace of the place & that if those who are deputyes & y^t^ yo^r^selfe & Mr Archdale shall think fitt to be continued in shall not have

* This date should be 1684–5. See last paragraph.

been actors in the past disorders that then you send home depositions taken before Mr Archdale & some other magistrate of the place to prove it that wee may be thereby bee the better Inabled to ausweare any clamor of Mr Biggs if there bee occasion. And that you doe forthwth choose four able discreet men & who had no hand in the past disorders of either side to bee the Justices of the County Court of Albemarle & a ℔son so quallifyed to be sherrif of that County to set and hold Courts for the tryall of causes as by our fundamental Constitutions is directed which wee thinke a better way then yt formerly ordered it not being so convenient to Interest yrselfe or any other Governor In Cheeff of that County in the Imediate tryall of causes but leave him at liberty wth the Councell to heare the complaints if any shall be made against any of the said Justices or Sherriff for any misdemeanor in their respective offices wch method is agreeable to our Constitutions and as wee Conceive the best way for equall distribution of Justice in said County wth which wee cannot expect to have it thrive or be freed from Clamor our selves wherefore wee Require of you that this our order be Instantly put into execution and that you send us the names of such ℔sons who are Comissioned to bee the said Justices & Sheriff for ye county aforesd & yt you dirict all yr Letters that concernes us in Generall to ye Pallatine the earle of Craven to be comunicated to us.

Wee did by Mr Archdale send a blank Comisn for a Recever to Collect our rents and give us acct thereof wth Directions yt he should fill up the sd blanke wth some convenient or fitting ℔son by yr advice but we have not a word from either of you what is done therein nor what the annuall amount of the said quit rents are wherefore wee desire you ℔ first you will give us an acct who you have put into the said Comission what he hath Collected what you have done wth yt already collected & also a ℔ticuler of the wrecks & other things apertaineing to ye Ld Proprietors & also what the yearely amount of quit rents of land is & ℔ticulerly what quantity of land each man holds & what the rent is he payes & then we shall order how ye sd quit rents & others ℔quisitts shall be disposed of

There hath also Complaint been made by Mr Woodrowe or secretary yt you would not permit him to Injoy the ℔quisits of his office but that you took them to your selfe wch is by no meanes to be tollarated in a governor but he must let ye Inferior officers. Injoy the due ℔quisits of their places if he expect they should ℔forme their Dutys & must be no further concerned therein then see the officer doth his Duty and not

opress the people by unreasonable exactions wee desire yor answeare to this also

Coll^{o} Ludwell of Virginia hath complained to us that a planta^{n} in Albemarle apertaining to him in Right of his wife the Lady Berkely is detained from him upon p^{r}tence y^{t} it is escheated to us & wee being willing to doe him & all other men Right doe Require you to send us a true state of that matter how it stands & in whose possession ye s^{d} plantati^{n} now is & if it be escheated that you send to us a true copie of ye record thereof for wee shall bee very unwilling to turne any man out of his estate or not restore him to it if he have lost it by faileing in any nicity of law.

We have considered of what you write of my Lord Culpapers sending to demand the quit rents of the County of Albemarle for wch wee are well assured he had no orders from hence Wherefore desire you not to faile in using all discreet Legall & prudent wayes for the p^{r}servation of our Just Rights we shall take a convenient time to petition ye King y^{t} o^{r} bounds may be runn out y^{t} Disputes may be p^{r}vented for ye future

Wee Require y^{t} you do not deviate from those rules wee have by our Instructions sett for ye granting of land, for wee shall not allow of it

There was 4 blank Deputations sent away wth this Letter signed by ye Du: of Albemarle one by ye Ld Bath for ye Ld Carteret, by Sr Peter Colleton & another by all ye L^{d} for Sr Wm Berkelys Dated ye 3d June 1684

1686.

[B. P. R. O. Colonial Entry Book. Vol. 97. p. 232.]

REPORT TOUCHING THE PROSECUTING OF THE QUO WARRANTOS IN THE PLANTATIONS

Mem^{d}

My Lord President is desired by the Right hon^{ble} the Lords of the Comittee for Trade & Plantations to move his Maj: that the directions to Mr Attorney Generall that the prosecution of severall writts of Quo Warranto against the Propriety of the Province of Maryland and against the Colonies of Connecticut and Rhode Island and the Proprieties of East and West New Jersey and of Delaware in America may be renewed and that the same may be prosecuted to effect.

Councill Chamber 21. Aprill, 1686.

At the Court at Whitehall
the 30th of Aprill 1686.

Whereas on the 10th and 17th of July last past It was ordered that Mr Attorney should proceed by Quo Warranto against the Charter Granted to the Lord Baltemore's ancestors of the Propriety of Mariland as also against the Governors & Comissas of the Colonies of Connecticut, Rhode Island & Providence Plantacon & likewise against the Propts of East & West Jersey & of Delaware all in America. His Maj: in Councill this day thought fit to order, and it is hereby ordered, that Sir Robert Sawyer Knight His Majesty's Attorney Generall doe forthwith put the said orders in execution by causing the Proprietors of the aforesaid Places to be prosecuted on the said Writts according to Law in order to the vacating of their severall Charters or Grants.

[B. P. R. O. Colonial Papers.]

THE EARL OF SHAFTESBURY TO THE EARL OF CRAVEN 7 JULY 1686

St. Giles July 7th 1686.

My Lord,

I receaved yors but not knoweing upon what grounds the Quo Warranto was intended to be brought against our Pattent for Carolina am able to give noe result upon itt. There have bin considerable sumes of money disbursed by the Proprietors to bringe it to this effect and when the Pattent is surrendered I cant see any way by woh they will in probabillity bee ever reimbursed I shall bee as unwilling to dispute his Maties pleasure as any man but this being a Publique Concerne tis not in any perticular mans power to dispose of it Therefore whatever shalbe approved of by the rest of the Proprietors or the majority of them to bee donne in this affaire I shall acquess in who am

Yor Lordps most humble Servant
SHAFTESBURY.

1687.

[B. P. R. O. Colonial Entry Book. Vol. 97. p. 240.]

ORDER OF COUNCILL TO Mr ATTORNEY AND Mr SOLLICITOR TO PROSECUTE THE QUO WARRANTOS ISSUED AGAINST THE SEVERALL PROPRIETIES AND CORPORATIONS IN AMERICA.

At the Court at Hampton Court
the 28th of May 1687.

Upon reading a report from the Right honoble the Lords of the Committee for Trade & Foreign Plantations It is this day ordered by His Majty in Councill that Mr Attorney and Mr Sollicitor Generall do forthwith proceed upon and prosecute the Quo Warrantos, which have been issued or ordered to be issued out against the severall Proprieties and Corporations in America.

[B. P. R. O. Colonial Entry Book. No. 22. p. 133.]

Whitehall this 25th of Novemb: 1687

Wee herewith send you copies of two letters wee haue received from the Kings Majesty & also a copie of Sr Robert Holmes his comission for the supression of Pirates & Privatiers. by the first of the sd letters you will ꝑceiue that his Majty that all endeavors bee vsed for the seizing and aprehending of any Pirates or sea rovers that shall come into any of the Ports of your Goverm[t] the which you are to keep strictly Imprisoned & in safe coustody with their ships goods & plunder untill his Majestys Royall pleasure be known what shall be done with them. whereof you are not to faile & to vse. your vtmost care that all his Majestys commands contained in his sd letter bee punctually obeyed by all ꝑsons vnder your goverment.

Yor very affectionate friends
CRAVEN Paltine
BATHE for the Ld CARTERET

[Records of Perquimans County. Book A. No. 380.]

5 Dec 1687

The Deposition of Richard Watredy Aged fifty-one years or thereabouts sworn & examined saith, He this Depo^{t} Being designed to go into ye Southard about the year 1662 to see how he might like the place At which time Mr George Catchmany desired the Depon^{t} to go to the Place where Mr George Durant then was seated & to speak to said Durant to show him this Depon^{t} the Land wch was designed by said Durant for the said Catchmany, which Accordingly I did & was shown by Mr Durant the Land Intended by him for Mr Catchmany & soon after returned to Virginia again and About a month after Mr Catchmany employed the Depon^{t} to go wth 3 hands to settle & seat the said Land & went with us himself—and coming to the House Mr Durant aforesaid he this Depon^{t} heard & see them conclude of a line which was Accordingly then run for a Dividing Line Between them, And as he very well Remember Begun at a pine standing by the water side at the sound extending extending toward the then seated Land of Call^{r} Caltropp it being Agreed by them that George Catchmany should have the land on the eastward & George Durant on the Westward side of the said Land & this Depon^{t} further saith that he heard the said Catchmany tell Mr Durant afores^{d} that Sr William Berkeley was then lately arrived from England & that He resolved that Inhabitants of the South should hold no longer by Indian Titles, But that He would Grant Pattents to those who should desire them wherenpon he heard said Durant tell Mr Catchmany that then he would go & see to secure his Land as aforesaid & Mr Catchmany then Replied & said he should not need to go himself But that He would have him stay there & look & see his People should not Lack Provision or other necessarys & he would do his Business and his own too.—

RICHARD WATREY.

1688.

[B. P. R. O. Colonial Entry Book. No 22. p. 139.]

Sr Whitehall this 16th of Aprill 1688

Mr Edward Ketchmaid hath made application vnto vs setting forth that he is Nephew and next heir unto Mr George Ketchmaid of Caro-

lina deceased And that his said Vncle dying Intestate and possesed of a plantation in our County of Albemarle in Carolina the right to the said Plantation is descended to him as next heir Now we shall not take upon us upon us to interpose in the decision of any mans right but leave that to ye usuall course of the Law. But think it our duty to recomend unto your care that the said Mr Edward Ketchmaid may have a fair and Equall Tryall according to ye course of ye Law there for ye said Estate. If he shall desire it And there be need thereof

Wee doe also inform you that Mr Timothy Biggs who married the widdow of the said George Kecthmaid did set forth to us that the said George Ketchmaid did by will give his plantation in Carolina to his wife And did desire us to grant our Release and Confirmation of the said Plantation unto her which we did by our deed dated ye six and twentieth day of March 1684 now our Intent in this was onely was onely to grant a Relcase and Confirmation of what Right we had nor could we thereby weaken or invalidate the right or title of any other pretender to the said Estate as heir at Law to the said George Ketchmaid for we could onely Release or convey what right was in us And not what was anothers.

And forasmuch as nothing can redound more to the Honor of our Government then the reputation of speedy and impartiall Administration of Justice We desire that you will give us Acc^t^ what you doe in this matter That we may upon occasion be able to vindicate ourselves And so we rest

Your very affectionate
friends

CRAVEN PAL^tine^
P. COLLETON

[B. P. R. O. VIRGINIA B. T. VOL. 53. No. 27.]

TWO ORDERS OF COUNCIL OF VIRGINIA 1688 & 1691 AND PROCEEDINGS IN COUNCIL IN 1699 ABOUT BOUNDARIES BETWEEN VIRGINIA & NORTH CAROLINA WITH A COPY OF THE CHARTER OF CAROLINA.

[Referr'd to in Col. Nicholson's letter of 1st July 1699
Received 4 Sept. 1699]

At a Council held at James City Mar 1st 1688

Present
His Excellency

Nath Bacon Esq.	Coll° John Page
Nich. Spencer Esq Sec^ry	Coll° Wm Byrd
Coll° Wm Cole	Coll° John Lear
Coll° Rich. Lee	Coll° X^tr Wormeley
Coll° John Custis	Coll° Isaac Allerton.

Upon ye consideration of ye complaints of some of the inhabitants of Carratuck setting forth that the governm^t of North Carolina had distrained upon part of their household goods under pretence that ye land they inhabited was withhin ye governm^t of North Carolina & that therefore they ought to pay proportionable for ye discharge of ye governm^t wth other the inhabitants thereof tho' indeed they were alwaies esteemed to be people of the inhabitants of the governm^t of Virginia and held their lands by patents granted by the Govern^r of Virginia All which this Board taking under their serious consideration are of oppinion that the whole matter be humbly represented unto his Majesty for his royall consideration and that a letter be forthwith writt for his Excellency's signeing directed to the Govr & governm^t of North Carolina signifying that this governm^t have humbly presented unto his Maj^ty the pretension that that governm^t makes unto the lands lying on Carratuck & Blaekwater and that it is desired that no disturbance or violence be offered to the inhabitants thereof untill his Maj^tie shall signifie his pleasure therein.

His Majesties Govern^r & Councill of this Colony knowing themselves in duty bound faithfully to represent unto his Majesty all occurances of moment relating to the same doe therefore humbly beg leave to lay before his Majesties royall consideration a matter whereby not only his subjects at presents are disturbed and disquieted in their possessions neare adjoyning unto ye governm^t of North Carolina but also ye publick peace of the Country threatened by the violent actings of some offieers of that govern^t under pretence extending the bounds thereof far within the anciently reputed and known Southern bounds of this yor Maj^tes Colony of Virginia for ye Southern bounds of this y^r Maj. Colony of Virginia have allwaies been reputed to be extended to the latitude of 36 unto that latitude land hath been granted unto adventurers & purchasers for more than forty yeares past by former Govern^rs and Councills of this y^r Maj. Colony of Virginia and ye lands so granted have been by patent from y^r Maj. Sec^ry's office of this Colony and the inhabitants thereon seated have been taken to be ye inhabitants of Virginia and accordingly formerly

have paid all scott & lott of publick & county dues of this Colony and quietly & peaceably enjoyed their land held from this Gover^{t} untill ye yeare 1680 that some pretence was made to some small part of land lying upon Carratuck & Blackwater upon which pretensions the inhabitants thereof applyed themselves unto ye right Hono^{ble} Thomas Lord Culpeper the then Govr of Virginia and alsoe the Councill thereof who by letter to the Govr and governm^{t} soe satisfied them in the justness of the claime of the bounds of this Country to thirty six that the inhabitants thereof were not in the least vexed or disturbed in y^{r} possessions by any pretence of ye govern^{t} of North Carolina until this present year 1688 who now without makeing any further claime have leveyed upon ye inhabitants of Carratuck and Blackwater who hold their lands by patent from this y^{r} Maj. governm^{t} and for ye said levyes have distrained and forceably carryed away divers goods out of the houses of ye said inhabitants which force upon them from ye govern^{t} of Carolina if not timely prevented will prove ruinous to ye pore people if not usher in greater mischiefes therefore his Maj. Govr and Councill doe humbly supplicate his Maj. to take under his royall consideration the pressures those pore inhabitants lie under from the pretence that those lands are part of the bounds of North Carolina and that his Maj^{ty} will be pleased not to narrow the bounds of his long seated Colony of Virginia and his Maj. Govern^{r} & Council do humbly futher begg leave to offer to his Maj. consideration how prejudiciall it may bee to his Maj. Revenue ariseing upon tobacco if those lands now in question should be taken to be under the govern^{t} of Carolina lying so neare unto ye opening of Carratuck that small vessells may pass in and out undiscovered and cary of what tobacco they find fit without paying any dues for ye same for the inhabitants of North Carolina being but few in number and far remote from that part of Carratuck cannot make discovery of any such cheats if intended which whilst its under the governm^{t} of Virginia is provided against by the prudent care of Mr Meyn his Maj^{ts} Surveyor Generall of Virginia by a person an inhabitant of Virginia being apointed a Collector to inspect according to law all matters of trade in that part and for the quieting yor Maj. subjects in a peaceable possession of their lands and stoping the force of distress put upon them yor Maj^{tys} Governor and councill doe humbly begg leave to supplicate y^{r} Maj^{ty} that you would be pleased to give direction for the ascertaining of the bounds between yor Maj^{tys} Government of Virginia and North Carolina as in your princely wisedom shall find fitt.

1689.

[B. P. R. O. Colonial Entry Bk. No. 109. p. 217.]

AT THE COMMITTEE FOR THE PLANTATIONS AT THE COUNCIL CHAMBER AT WHITEHALL MUNDAY THE 16th MAY 1689.

Present

Ld. Privy Seal. E. of Shrewsbury Ld. Vis. Lumley

* * * * * * * * *

Their Lo^{ps} also enter upon ye consideracon of ye present condicon of the Provinces of Maryland Pennsylvania & Carolina &c which having been formerly granted to several persons in absolute propriety by which title they claim a right of government their Lor^{ps} agree to represent to his Ma^{ty} their opinion that the present circumstances and relation they stand in to the government of England is a matter worthy of the consideration of the Parliament for the bringing those Proprieties and Dominions under a nearer dependence on the Crown.

[B. P. R. O. Colonial Entry Book. No. 22. p. 159.]

LETTER TO GOV. SOTHELL.

London this 2^{d} Dec^{ber} 1689

S^{r}

Wee are divers ways Informed that the people under yor Governm^{t} have risen upon you and we are also told the reasons alleaged by them for their so doing is yor Injustice and oppression of them contrary to Law We hope and much Incline to be of opinion their allegations are false, but however it be Wee are sure it is always our duty, but more then ordinary in these dangerous times to take care of the quiet and safety of the provinces under our Goverm^{t} and also that Justice may be rendered to yo^{r}self in the manner wee think most agreable to prudence Law and Equity and the quelling of all clamours and complaints and thereby avoiding of like disturbances for the future Wherefore have thought fitt to suspend you from the Governm^{t} untill matters are duely

fairly and Impartially inquired into that wee may be able to give an exact acc^{t} thereof to his Majesty and in order thereunto have Jointly Impowered our Trusty and Wellbeloved Collonell Phillipp Ludwell to be our Governor with Instructions to Inquire what hath been the true reasons and motives of these disorders and to give us acc^{t} thereof to which we desire you quietly to submitt and also to believe that you shall never find but Justice and fairness from us all due care for the preservation of yor person and reputation to which we know nothing more conduceable then a fair Inquiry into the truth of all matters by Indifferent persons without which be done Wee cannot answer our proceedings to the King Wee bid you heartely farewell and rest

Your very affectionate friends
CRAVEN Palatine
BATHE
for the LORD CARTERET

To Mr SOTHELL
P. COLLETON
JOHN ARCHDALE
for THO ARCHDALE
THO: AMY

[B. P. R. O. COLONIAL ENTRY BOOK. No. 22. p. 157.]

WILLIAM EARLE OF CRAVEN LORD VISCOUNT CRAVEN BARON OF HAMPSTEAD MARSHALL PALATINE AND THE REST OF THE TRUE AND ABSOLUTE LORDS AND PROPRIETORS OF THE PROVINCE OF CAROLINA

To our Trusty and Wellbeloved Collonell Philipp Ludwell Governour of that part of our province of Carolina that lyes north and east of Cape feare

Wee the said absolute Lords and Proprietors of the Province aforesaid reposing speciall Trust and Confidence in the courage Loyalty and Prudence of you our said Governour Do hereby constitute and apoint you the said Collonell Philipp Ludwell Dureing our pleasure Governour of that part of our Province of Carolina that lyes north and east of Cape feare and you are to doe and execute all things in due manner that belong to your said command or the Trust we have reposed in you according to the severall powers and directions granted and appointed you

by the present Comission and our Instructions and by such further powers and Instructions as shall at any time hereafter be granted and appointed you under our hands and seales and according to such reasonable Lawes and Statutes as already have been ratifyed and confirmed by Vs or hereafter shall be made and agreed vpon by you with the advice and consent of the Councill and Assembly or Parliament of that part of our Prouince vnder your Goverm^{t} according to the method and forme appointed by our former Instructions to our Governour there And wee doe hereby appoint and Impower you our said Governour to be Comander in Chief of all the forces raised or to be raised within the Limits of your Goverm^{t} and over them to appoint Officers and them to remove at yor pleasure and to cause the said forces to be exercised in armes as often as you shall see fitt And to do all other thing and things that to the Office of a Captain Generall or Comander in Cheif doth belong And wee do hereby give and Grant vnto you full power and authority by and with the advice and consent of any three or more of our Deputys to erect and establish such and so many Courts of Judicature and Publick Justice as you shall think fitt and necessary for the hearing and determining of all causes as well criminall as civill according to Law and Equity And for Awarding execution thereupon and to appoint Judges and Magistrates and such other Magistrates as to you shall seem meet And wee do hereby also give and grant unto you full power and authority by and with the advice and consent of our Deputyes or the Major part of them vnder your hand and seale to appoint a Deputy Governour with such powers and authoritys as to you shall seem meet and that you legally may and always provided the said powers and authorities be not more then to yourself are granted by this present Comission Given under our hands and seales this fifth day of December In the year of our Lord one thousand six hundred and eighty nine

CRAVEN Palatine
BATH
for the LORD CARTERETT

P COLLETON
JOHN ARCHDALE
for THO: ARCHDALE
THO: AMY

[B. P. R. O. Colonial Entry Book. No. 22. p. 158.]

INSTRUCTIONS FOR COLLONELL PHILIPP LUDWELL GOVERNOR OF THAT PART OF OUR PROVINCE OF CAROLINA THAT LYES NORTH AND EAST OF CAPE FEARE

1 As soon as possible after yo[r] arrival you are to cause our Letter to M[r] Seth Sothell our late Governor signifying our suspending him from the Government to be carefully delivered to his own hands and at the same time to give Notice to Our Councill there of your being by us appointed to be Governor of that part of Carolina that lyes North and East of Cape feare and to require their meeting of you

2 When the Councill is met you are to publish yo[r] Comission for the Government

3 You are to Informe y[r]selfe as well as possibly you can of the reasons of the late disturbances and the Imprisonment of M[r] Sothell

4 If you finde there are any complaints that M[r] Sothell hath comitted any acts of Injustice and oppression you are then and with the advice and consent of any three or more of our Deputys to comissionate three of the honestest and ablest men you cane finde and who have not been partys in the late disturbances to be Judges to hear and determine all causes both Civill and Criminall according to Law with such powers and authorities as shall be Legall and necessarye thereunto

5 The said Court or Judges being thus comissionated you are to give Notice to all people that complain of any Injustice or oppression contrary to law comitted by the said Sothell that the s[d] Court is appointed to hear and determine of all such complaints and you are to take all imaginable care that Jurys for the triall of all such causes be fairly and Impartially returned

6 In all other matters you are to pursue such Instructions for the Goverment as you shall finde upon the place wherein If you finde anything deficient or Inconvenient to y[e] Inhabitants Wee shall vpon yo[r] Notice thereof to vs take due care therein

7 You are as soon as possibly you conveniently can to call an Assembly or Parliament for the making of such Lawes as shall be thought requisite for the better goverm[t] and security of the place, which Lawes by the first opportunity to send to vs to be ratified and confirmed by vs and which are to continue in force before such ratifying and confirminge

vntill we shall signify our pleasure to the contrary and in the passing of such Lawes you are to observe the methods prescribed by our fundamentall Constitutions and Instructions for the goverm^{t} vpon the place

8 You are diligently to Inquire into the true reasons of the late Disorders and to give us an Accompt thereof by the first opportunity

9 If you finde our late Governor hath been guilty of Injustice towards the people in generall or any particular men you are to cause him to give security that he shall not depart from that part of Carolina untill he that answered to all such complaints as shall be brought against him within the space of six months from the publishing yor Comission

10 If the said Mr Sothell shall complain of Injustice done him by the people you are according to the best of yor prudence to cause reparation to be made him in such manner as shall best sute with the quiet and peace of the goverm^{t} there

11 You are to give vs y^{r} opinion what is necessary to be done by vs for the better prevention of the like disturbances for the future

You are to Inform yo^{r}self' if King William and Queen Mary have been proclaimed in Carolina and if they have not by reason of the Disturbances you are to cause them forthwith to be proclaimed with as much Decency as possible. Given vnder our hands this 5th day of December 1689

CRAUEN Palatine

JOHN ARCHDALE ASHLEY

BATHE

for THO. ARCHDALE for the LORD CARTERET

P. COLLETON

THO AMY

1690.

[B. P. R. O. America and W. Ind: No. 636.]

CAP^{t} GIBB'S HIS DECLARAC̄ON.

Albemarle—June ye 2^{d} 1690.

Coll: John Gibbs doth Publish & declare, That Phillip Ludwel is a Rascal, imposter, & Usurp^{r} all which shall be justified in England and if any of the boldest Heroe living in this or the next County will under-

take to Justifie the said Ludwel's illegal Irregular proceeding, let him call upon me wth his sword, and I will single out & goe with him into any part of the King's Dominions, & there fight him in this Cause, as long as my Eyelidds shall wagg.—

These are therefore to warn, charge and command all Persons to keep the Kings peace, to consult ye ffundamentals, and to render me due obedience, & not presume to act or do by Virtue of any Comission or Power whatsoever derived from ye above s^d^ Ludwell, as they will answer it, att their utmost perill. I am willing to pass by all hitherto, if ye new Deputyes will consult with me to prevent evil consequences, I am willing to receive them or a Messeng^r^ with respect at my house at Paspotank or Corotuck, not that I carry any but defensive Armes in Vindication of my Oath & Right, wch God willing I will maintain to death.

Further I proclaime him that is a Tatler against ye truth of this matter to be a Villaine, & a Coward, that will not give me a meeting singler to dispute it with sword in hand. As God is my Judge I hate a base advantage, & never design against any mans life Cowardly: soe as I never did nor will wrong ye Lords Proprietors, or Country, they shall not me if possible.

JOHN GIBBS.

[B. P. R. O. America & W. Ind: No. 636.]

COLL: LUDWELL'S L^re^ TO THE L^t^ GOV^r^ AB^t^ NORTH CAROLINA. JULY 19th 1690.

S^r^

Haveing lately rec̄d a Lett^r^ from ye Deputy Govr Councill of ye Province of North Carolina, dated ye 13th of this in^st^ wch informes me y^t^ Mr John Gibbs did on ye 6th in^st^ come in Albemarle County in ye Province afores^d^ wth armed men, att ye time when one of their Precinct Courts were sitting, & forbadd ye s^d^ Courts to sitt or act by any Commission but his & seized two of the Magistrates, (ye secretary being one) & by force carried them away prison^rs^ & doth still so detain them att his house att Caraituck within ye bounds of Virg^a^ to ye great disturbance of ye Inhabitants of ye s^d^ County, who immediately putt themselves in Armes to secure ye Country from farther outrages, & recover ye prison^rs^ again, if they could, But Mr Gibbs haveing conveyed them out of y^t^ into yor Hon^rs^ Goverm^t^ they durst not pursue him out of their Bounds, without yor Hon^rs^ leave, wch makes the Condition of y^t^ poor Country very

deplorable, being obliged to continue in Armes to defend themselves from farther Injuries, & consequently loose their Cropps, or runn ye hazard of being ruined, if they stand still Mr Gibbs haveing as they are informed near eighty men in armes att his house in Curratuck, ye consequences whereof may be very dangerous, besides ye thing ittself very unwarrantable and whereas Mr Gibbs p^r^tends his arms are only denfensive, y^t^ must appear frivilous when no force has ever appeared ag^st^ him, or any violence offer'd him by any person, & as he p^r^tends itt is only in vindication of his right to ye Goverm^t^ whatever his right is, certainly he ought to assert itt in another manner, by applying himself to ye L^ds^ Propriet^rs^ who without doubt are ye fittest Judges in that case, & would do him, what right he deserves I doe therefore most humbly pray yor Hon^r^ to take what I here present you into yor serious Consideration & give us such relief therein as to yor Hon^r^ shall seem most meet & convenient, for a speedy establishing a firm Peace amongst all their Maj^ties^ subjects, wch will be a very gratefull Office to ye s^d^ Propriet^rs^ & a very great & reasonable favour to all ye Inhabitants of y^t^ Country, & a p^r^ticular obligation on

Most Hon^ed^ S^r^:
Yo^r^ Hon^rs^ most Humble & obedient Servt
PHILL: LUDWELL.

To ye Honble Francis Nicholson Esqr their Maj^ties^ Lieut. Govern^r^ of Virginia.

[B. P. R. O. AMERICA AND W. IND. No. 636—EXTRACT.]

WM. COLE, SEC^ry^ OF VIRGINIA TO SEC^ry^ OF STATE 1st AUGUST 1690.

May it please yor Lord^p^

* * * *

I am also ordered to represent to yor Lord^p^ that it is feared that the Propriet^rs^ of the Southern Grant will endeavour either to procure a new Pattent or an Order from his Ma^ty^ to lay out the Bounds betweene this their Ma^tes^ Country and North Carolina by other lines and bounds than their first Pattent extended which was to the Latitude of thirty six degrees All the land within that Latitude having been alwaies held and enjoyed as belonging this Government and many Pattents & Settlements made for many years to the utmost extent thereof by the inhabitants of

this their Ma^{tes} Dominion and it is humbly desired by their Ma^{tes} Councill here that before any directions or orders pass to runn any other bounds that notice may be given to this Government that they may humbly offer their reasons against it for the altering those bounds will very much disturb their Maj^{s} subjects here by takeing away many plantations and will very much lessen their Ma^{tes} Quit Rents.

* * * *

Right Hono^{ble}
Yo^{r} Lord^{ps} most humble
and obedient Servant
WILLIAM COLE.

Virginia
Augt 1st 1690.

[B. P. R. O. America & W: Ind: No. 636—Extract.]

COL. NICHOLSON TO THE LORDS OF THE COm̄ITTEE 20 AUGUST 1690.

Virginia 20th Augt 1690.

May it please your Lord^{ps}

* * *

* * * * *

I send yor Lord^{ps} ye Coppy of a Lett^{r} from ye s^{d} Ludwell concerning North Carolina of wch place he owns himself Govr for ye Lords Proprietors. These stirrs I have quietted for ye present butt how long they may continue soe is uncertain being as I am inform'd a very mutinous people, the country never yet well settled & ye Bounds betwixt us & them very often in dispute. Coll. Ludwell and Capt. Gibbs (whom he complains of) are both goeing for England soe I hope y^{t} little Province will be settled too for about itt Mr Sec^{ry} sends yor Lord^{ps} ye request of their Maj^{ties} Councill here. Att present both to ye Southward & Northward of us are in disorder & I fear here is in this Country a great many idle & poor people y^{t} would be ready to follow their neighbours if they be suffer'd to continue in theire loose way. * * * * *

Yo^{r} Lord^{ps} obliged & most obedient humble Servant
FR: NICHOLSON.

[B. P. R. O. AMERICA AND W. IND. No. 636—EXTRACT.]

GOV^{r} NICHOLSON TO THE LDS COMMITTEE 4 NOVEMBER 1690.

VIRGINIA JAMES CITTY Novr 4th 1690

May it please y^{r} Lord^{ps}

* * * *

I was att our Southern Bounds and if ye Lords Propriet^{rs} gett a grant for North Carolina to begin att ye Lattitude of 36 & a half, suppose they will take from this their Maties Province a great many Plantacons to the lessening of their Maj^{ties} Quitt rents & great dissatisfaction of ye planters for those I spoke wth in North Carolina, desired to be immediately under their Maj^{ties} Govern^{t} of Virginia itt lying soe convenient for them therefore hope wee shall keep them quiet.

* * * *

Yo^{r} Lord^{ps} most obliged
& obedient servant
FR. NICHOLSON

1691.

[B. P. R O. COLONIAL ENTRY BOOK. No. 22. p. 177.]

LORDS PROPRIETORS TO GOV. SOTHEL.

LONDON May ye 12th 1691

S^{r}

Your Letters directed to each of vs and all of ye same tenour of the 21 of Oct^{ber} Wee have rec^{d} and are well pleas^{d} to finde you write that you will submitt to our Instructions for the goverm^{t} and that you never denyed so to doe

Wee hope you are to knowing and to wise a man to claime any power In Carolina but by virtue of them for no prop^{tor} single by virtue of our patents hath any right to the Goverm^{t} or to exercise any Jurisdiction there vnless Impowered by the rest nor hath any seaven of ye Prop^{tors} power to bind any one in his priviledge or property vnless by agreem^{t} among ourselves wch agreem^{t} is contained in Our fundamentall Con-

stitutions bearing date the 12th of January 1681 those being the onely constitutions agreed or signed to by all the eight proprietors and If any proprietor shall come into Carolina and take upon him goverm^t^ grant comissions and traine and exercise men any otherwise then pursuant to the rules and Instructions for Goverm^t^ apointed by the rest of ye proprietors it is by the Laws of England high treason as wee are well Informed and If any Governor of Carolina shall without Consent of Our Deputys Impowered by vs or rules from vs take vpon him to Impower Judges and other Magistrates It is a very high misdemeanour in the ℔son granting and also in the p^r^son who accepts and executes such Office and all any such Officer shall doe is voyd erroneous and at his perill and any man In Carolina that shall take vpon him to act as Deputy that is not duely Impowered by vs or by rules from us is answerable for all he shall doe by vertue of any such pretended power of Deputy We are Informed that Mr Joseph Blake haveing a deputation vnder ye hand and seale of Mr. Archdale you have notwithstanding putt him out from being Deputy and put in Mr Berrisford in his roome of yor owne choice and that Mr. Berrisford acts as Deputy Wee hope this Information is not true for we can never aprove yor so doeing and shall be obliged to vindicate our owne rights therein for wee will never allow that any Governo^r^ vpon any p^r^tence whatsoever shall turne out a Deputy that is so apointed to bee vnder hand and seale of any Prop^tor^ that tending towards a rebellion to ye crowne arbitrary power in himself and the outeing of the rest of the Prop^tors^ of their rights

Wee knowe not what to say to ye protestation of our Deputys vntill wee are truly Informed of ye matter of fact, they sayeing you positively refused to governe by our Instructions or rules of Goverment and you affirm the contrary for If you did refuse to governe by our Instructions wee think they did like wise and honest men to act with you and wee have a very good Character of the honesty prudence and truth of severall of them, but we shall suspend our judgem^t^ of that matter untill yor arrivall in England and that wee have proof of the allegations on both sides We do not aprove of any reflections upon you for Actions in Albemarle and shall be very ready to shew our resentm^t^ thereof as soon as you have clear^d^ yo^r^self from the misdemeanors and opressions layd to yor charge by the Inhabitants of that County wch misdemeanors are vizt

1 That you seiz^d^ upon two persons that came into Albemarle from Barbadoes pretending they were Pyratts although they produced cockets and clearm^ts^ of their goods from the Governo^rs^ of Barbadoes and Bermudas

2 That you kept these p^{r}sons in hard durance without bringing or pretending to bring them to tryall In wch hard durance Richard Humphrey one of them dyed of grief and ill vsage.

3 That the s^{d} Richard Humphreys made a Will before his death and left one Thomas Pollock his Executor whom you would never admit to prove the s^{d} Will, though often required by the s^{d} Pollock to permit him to prove it before you nor would not so much as suffer the Court to attest that ye said Pollock had offred the Will to prove but took all ye goods into y^{r} owne hands and converted them to y^{r} owne vse

4 That the s^{d} Pollock haveing sett vp his name to come for England to complaine of y^{r} Injustice you Imprisoned him without shewing any reason or permitting him to see a copy of his mittimus

5 That you have for bribes withdrawne accusations that were for felony and treason

6 That you did unlawfully Imprison one Robt Cannon

7 That you did arbitrarily and vnlawfully detaine from John Stewart one negro and seven pewter dishes

8 That you did Imprison George Durant upon p^{r}tence of his haveing said some reflecting words of yo^{r}self and did compell him to give you a bond for a sum̃e of money while he was in durance and did afterwards on p^{r}tence of ye bond seize upon all the estate of the said George Durant without any process or collor of law and converted the same to yor owne vse.

9 That you did vnjustly take from one John Tomlin his plantation.

10 That you did vnlawfully detaine the Cattle of George Mathews and refused to deliver them although there was an order of court for it

11 That you took the plantation of John Harris vpon p^{r}tence of a sale of the same to you by the said Harris althongh you knew the s^{d} Harris was vnder age

12 That you vnlawfully seizd vpon ye estate of one Mowberry

13 That you did by y^{r} power as Governo^{r} and proprietor seize upon severall mens estates without process of law and did severall other vnjust and arbitrary actions for wch misdemeanors and other opressions, the Inhabitants of Albemarle Imprisoned you with intent to send you prisoner to England and there to accuse you but you Intreated them not to send you to England but that you would submitt all to be determined by the next Generall Assembly who accordingly gave Judgement ag^{t} you In all the forementioned particulars and compelled you to adjure the Country for 12 months and the Goverm^{t} for ever which proceeding of yo^{r}self and the people is in our opinion prejudicial to the prerogative of the Crown

and the hono^{r} and dignity of vs the prop^{tors} Wherefore as in duty bound and for our owne vindication Wee are resolved to have this matter thoroughly inquired into that wee may take such course for the p^{r}venting such disorders for the future as shall apeare most fitting for the asserting of their Ma^{tys} prerogative, the peace of the province the just libertys of ye people and vindication of ourselves But are vnwilling to proceed therein untill we have first spoken with you Wherefore desire and require that you come speedily for England that wee may have a full and clear Information of all matters and bee thereby Inabled to know how to proceed and If you shall refuse or delay to come Wee cannot avoid thinking you guilty of all the misdemeanors layd to yor charge and shall be constrained for our own vindications and to shew our abhorrence of the Injustice and opression practiced by any of our number to lay the whole matter before the King and pray his mandamus for yor apearance here to answere what shall be objected ag^{t} you wch we hope you will not compell vs to wee being vnwilling to make you a publick shame or to bring you vnder a prosecution wee ourselves cannot stop when once begun. •

Our Deputys had orders from vs not to call any Parliam^{t} in Carolina without directions from us vnless some very extraordinary occasion should require it Wherefore wee cannot blame them for following our Instructions nor can wee aprove of yor Incourageing the people to petition for a parliament or calling one because they did petition, tumultuous petitions being prohibited by Act of Parliam^{t} here with a severe penalty upon such as shall break that law and we know not how farr such ill example In Carolina may Influence his Maj^{ties} subjects In his other American plantations, but since you write that the Inhabitants have Intentions to depute 2 persons for our better Information of all matters wee have directed our Deputys to consent to the calling of a Parlia^{t} for that purpose, for any Parlam^{t} called by you with consent of such deputys as are not duely Impowered by vs wee cannot allow to be a Parliam^{t} nor can wee tell how to justify our own consenting to any acts made by such Assembly.

Wee here Inclosed send you copie of some Articles vnder the hands and seales of the prop^{tors} in 1672 to wch my Lord Clarondon sett his hand and seale and to which any that claime vnder him are bound Wee have no thought nor Intentions to doe you wrong or Injury, but on the other side wee shall not permitt ourselves to be Imposed on nor his Maj^{tys} Subjects that live under our Governm^{t} to be opress^{d} or unjustly dealt with by any p^{r}sons whatsoever and shall much rather surrender our Governm^{t} to the King than suffer it If it bee not to be remedyed other

ways for wee have no other Interest to keep the Govern^{t} in our owne hands, but that wee may be able to assure the people they shall not be oprest by ye Govern^{t} and thereby Incourage them to goe to Carolina to take our Land and pay vs the rent, for it is not our Intentions to make profit by the Govern^{t} ourselves or to suffer any Officers vnder vs to opress ye people by extragant fees and grow rich by the rune of ye people Wee rest yor affectionate friends

To Seth Sothell Esqre

P COLLETON	CRAVEN Palatine
JOHN ARCHDALE for	ASHLEY
THO: ARCHDALE	CARTERET
THO: AMY	

[B. P. R. O. America and W. Ind: No. 637—Extract.]

COLL. NICHOLSON TO LDS OF THE COm̄ITTEE 10 JUNE 1691.

James Citty in Virginia June ye 10th 1691.

May itt please y^{r} Lord^{ps}

* * *

* * * * *

If ye Petitions of ye Councill & Burgesses & of ye Burgesses alone (wch I transmitt to yor Lord^{ps}) will not be granted I most humbly offer y^{t} they may be kept in hopes & have noe absolute deniall, soe long as New England, Pensylvania, Maryland & ye two Carolinas are unsettled (wch I suppose will ever bee till their Ma^{tys} shall be graciously pleased to send Gov^{rs} into those Colonies) for they may be fatall examples by encourageing ye Mob & now they harbour our Serv^{ts} Debtors & Slaves. I hear y^{t} at South Carolina one Mr Southwell who was banished about eighteen months agoe by ye Mob out of North Carolina now heads them there, soe y^{t} they are in great disorder Pennsylvania being in ye hands of ye Quakers & few or noe Militia to defend that Country if attacqued by an Enemy, itt may bee a retreating place for them & if they bee of William Penn's pernicious principles they may hold Correspondence with ye French and Indians by land & wth the first at sea For in all these parts they correspond very much one wth another but I have putt out a Proclamac̄on about them & all ye loose Governm^{ts} too.

* * * *

Yo^{r} Lord^{ps} most obedient humble Servant

FR. NICHOLSON.

[B. P. R. O. VIRGINIA. B. T. VOL. 5 B. A. P. 2.]

ATT A COUNCILL HELD AT JAMES CITTY 8^{ber} 20th 1691

Present

The Rt. Honble Francis Nicholson Esqre Their Maj^{s} Lieut. Govr & the Honble Councill

This Board takeing into their consideration that the line between this their Maj^{tes} Governm^{t} & the Proprietary Governm^{t} of North Carolina not being setled occasions great dissatisfaction to the inhabitants adjacent thereto and for that this Gov^{t} hath always granted lands to the lattitude of 36 and never any Grant or Comand hath forbidden the same nor claime made on this side that latitude till of late some of the Officers of the government of North Carolina have disturbed the inhabitants demanding levies and Quit rents from them pretending the Propriet^{rs} Grant is to the latitude of 36½ And to the end it may be knowne to what latitude the Propriet^{rs} Grant is Mr Sec^{ry} Cole is ord^{d} to write to Mr John Porey & desire him to search and finde out whether their Grant be confirmed to the latitude of 36½ under the Great seale of England And if it be that then he obtaine their most Gracious Ma^{tes} Order that the Propriet^{rs} at such time as this Govern^{t} shall appoint cause the same to be laid out but if a Grant be not confirmed to them under the Great Seale to the aforesaid latitude he endeavour to hinder the same by setting forth to their Maj^{s} that it will be a great lessning to their Maj^{s} quit rents of this Colony and to the great dissatisfaction & discouragem^{t} of these inhabitants who have many yeares since obtained the grants of those lands and lived and inhabited thereon as alsoe will cause great alteration in the long and well formed settlem^{t} of that part of this Govern^{t} by taking away a great part of several Counties and leaving such a small slip of land in this Govern^{t} on the South side of James River as will be difficult to frame in a good Method And the land soe taken away not convenient for the Governm^{t} of North Carolina lyeing far from any conveniency of goeing to it by water except they come into this Govern^{t}

[B. P. R. O. Colonial Entry Book. No. 22. p. 199.]

William Earle of Craven Lord Viscount Craven Baron of Hampstead Marshall Palatine

To Collonell Philipp Ludwell Governor of Carolina

Whereas It is agreed by the Lords Prop^{tors} of the s^{d} province that the Palatine should name the Governor I out of the trust and confidence I have of the wisdome prudence Integrity and loyalty of you Coll: Philipp Ludwell doe hereby nominate constitute and apoint you the said Coll. Philipp Ludwell to be Governor and Comander in Cheif of Carolina with full power and authority to doe act and execute all such Jurisdictions and powers as by vertue of the rules of Goverm^{t} and Instructions given by myself and the rest of the Lords prop^{tors} of the s^{d} province a Governor is to doe and exercise and you are to follow such Instructions as are herewith given you or that you shall hereafter from time to time receive from myself and the rest of the Lords Prop^{tors} of the s^{d} province and thus to continue dureing my pleasure. Given vnder my hand and seale this second day of Nov^{ber} 1691

CRAVEN Palatine

[B. P. R. O. Colonial Entry Book. No. 22. p. 187.]

INSTRUCTIONS FOR COLL. PHILIP LUDWELL GOVERNOR OF CAROLINA

[8 November 1691.]

1. Wee the Lords Proprietors have agreed that the eldest of the Lords Prop^{tors} and that was Proprietor the first of March one thousand six hundred sixty nine shall be Palatine.

2. But after the decease of them he that hath been longest a Prop^{tor} and hath paid the full proportion with the rest for settling the Province shall be Palatine but after the year One thousand seaven hundred and decease of those that were Prop^{tors} the first of March one thousand six hundred and sixty nine the eldest of the then Lords Prop^{tors} and who hath paid as afores^{d} shall be always Palatine.

3. It is also agreed that there shall be seaven other great offices erected viz: Admirall Chamberlin, Constable Chief Justice Chancellor High

Steward and Treasurer to be enjoyed by none but the Prop^{tors} and that upon the vacancy of any of these offices the eldest of those Prop^{tors} that was Prop^{tor} the first of March one thousand six hundred sixty nine shall have his choice and after the decease of those he that hath been longest a Prop^{tor} and hath p^{d} his full proportion of money that hath been expended in the settlem^{t} of the Province but after the year one thousand seaven hundred the eldest man of the then Lords Prop^{tors} and that hath payd his money as above shall then have his choice.

4. The oldest of those Prop^{tors} that were soe the first of March one thousand six hundred and sixty nine that shall be in Carolina and hath payd his full proportion of the money expended by the Lords Prop^{tors} shall of course be the Palatines Deputy unless the Palatine and three more of the Lords Prop^{tors} shall otherwise direct under their hands and seales.

5. The Palatine is to name the Governor and the Admirall, the Marshall of the Admiralty, the Chamberlain, the Register of Births, and Marriages, the Constable the Marshall of the Regim^{ts} the Chief Justice the Register of Writeings and Contracts, the High Steward the Surveyor of Land, the Chancellor, the Serjeant at Armes attending the Chancery and upon any man's producing a Comission from any of the Lords Prop^{tors} under his hand and seale for any Office In that Prop^{tors} disposal you are to admitt the person so comissioned to the execution of the sayd office.

6. For as much as it is of great security to the Inhabitants of Carolina that no ill or unjust man be in so great a trust in the govern^{t} as a Proprietors Deputy any Deputy of a Lord Prop^{tor} howsoever constituted shall cease to be a Deputy when the Palatine and three more of the Lords Prop^{tors} shall under their hands and seales so order and direct.

7. For as much as it may be very mischievous to the Inhabitants of our Province to have any Governor Deputy or any Officer in the choice of the respective Prop^{tors} not in the power of the Palatine & Prop^{tors} to be removed when he shall act unjustly or contrary to law and to the oppression of the people or contrary to the peace or quiet or security of the Settlement any Govr whether one of the Lords Prop^{tors} or other is to cease to be Governor when ever the Palatine and three more of the Prop^{tors} shall under their hands and seales signify it to be their pleasure and so direct or when any six of the Prop^{tors} or their Guardians if under age shall under their hands and seales soe direct, altho' the Palatine be not one of them.

8. Upon the death of any of the Lords Prop^{rs} you are not to admitt any person to any office that was in that Prop^{tors} disposeall who is dead

by vertue of a Comission from another Prop^{tor} until the Palatine and three more of the Lords Prop^{tors} have certified under their hands and seales that such Prop^{r} hath right to and is admitted unto the place of that Prop^{tor} who is deceas^{d} and had dureing his life time power of disposeing of the sayd place.

9. Wee have alsoe agreed that each of the Lords Prop^{tors} shall nominate or apoint a Deputy under his hand and seale to be recorded in the Secretary's office in Carolina.

10. The Lords Prop^{tors} Deputys are to be your Councill.

If it shall happen that any of the Lords Prop^{rs} Deputys shall by death or departure out of Carolina cease to be a Deputy that there may not be a failure in the Gover^{t} for want of a due number of Prop^{tors} Deputys You our Governor and the rest of our Deputys who are soe by Deputation under the hand and seale of the Proprietors are by majority of votes given by ballot to choose a person to be a Deputy for that Proprietor whose Deputy is dead or departed the Province who shall continue to be a Deputy and have the same power as our other Deputy unless in electeing Deputys untill that Prop^{tor} shall under his hand and seale have apointed another Deputy.

11. You our s^{d} Governor are by and with the consent of any three or more of our Deputys testifyed by their signeing the Comission and where wee ourselves have not apointed or shall not apoint a person or persons for the s^{d} office to constitute a Chief Judge by the name of a Sheriff with four Justices for the tryall of causes in any of the Countys that have fifty freeholders qualifyed to serve on Juryes wch Sheriff and Justices are to take an oath if free to swear for the due administration of Justice.

12. Untill any County have a Court erected in it the causes of the inhabitants of that County shall be tryed in that County that lyes next to them and where a County Court is already appointed and the Inhabitants of such County may serve as Jurymen untill a Court be erected in the next County where they reside.

13. All processes and actions to be tryed in the County Courts and pleas &c. shall be entred and Records kept of them by the Clearke of that County Court where the Action is to be tryed the Clearkes of the respective County Courts shall be appointed by the Chief Judge or sheriff wch Clearkes are to be sworne for the due Execution of his office and give security by his owne bond.

14. You are by and with the consent of our Deputys to apoint a Marshall to each County who is to execute all Writs and Executions Issuing from the s^{d} Court.

15. All process Writs and Executions Issueing in Actions or Causes to be tried before y^r^self and our Deputys shall be served and executed by the Provost Marshall. All actions Pleas &c. to be tryed before y^r^self and our Deputys are to be entred by the Secretary by us apointed and records thereof kept by him.

16. Yourself and our Deputys are to hear and determine of Writs of Error from the Inferior County Courts and to be the Court of chancery untill wee shall otherwise direct.

17. You and our Deputy are to heare and determine all Causes Criminall and Judgem^ts^ thereon to give and execution to award according to Law and as often as yourself and any three or more of our Deputys shall think it fit

You are also hereby Impowered to grant Comissions to such other persons as yo^r^self or any three or more of our Deputys shall think fit to heare and determine all Causes Criminall and Judgem^ts^ thereon to give and execution to award according to law.

18. And if it shall apeare to you that any person found guilty is a fit object of mercy you are by & with the consent of any three or more of our Deputys to stop execution and repreive the said person and then you are forthwith to send us a copy of the indictm^t^ and an acc^ot^ of the proofs against the said person and the reasons why you think him worthy of mercy.

19. What other Officer you our s^d^ Governor and our Deputys shall find necessary for the better administration of justice and carryeing on the goverm^t^ and for wch office no person is before comissioned by us or provission made, you are with consent of our Deputy to grant Comissions for & in our name under the little seale apointed for the use of the goverm^t^ in Carolina to be in force untill it shall be otherwise directed by the Palatine and three more of the Lords Prop^tors^ under their hands and seales or a Comission by them granted to some other for the s^d^ place under the great seal of the Province you are to grant no Comission but dureing pleasure only.

20. And whereas power is given unto us the Lords Prop^tors^ by vertue of our Letters Patents from the Crowne to make ordaine and enact and under our seales to publish lawes for the better goverm^t^ of the s^d^ Province by and with the advice and consent and aprobation of the freemen of the s^d^ Province or their delegates or the major part of them and in order thereunto to assemble them in such maner and forme as to us the Lords Prop^tors^ shall seem best you are with the consent of any three or more of our Deputyes when ever you shall thinke there is need of lawes

for the better and more peaceable goverm^{t} of the inhabitants of our Province in our names to Issue writs to the Sheriffs of the respective Countyes to choose twenty Delegates for the freemen of Carolina, viz five for Albemarle County five for Colleton County and five for Berkeley County and five for Craven County to meet and in such place and in such time as you and any three or more of our Deputys shall think fit to give their advice assent and aprobation to such Lawes as shall be thought reasonable to be enacted for the better Goverm^{t} peace and welfare of the s^{d} Province always provided that the said laws be not repugnant to the Lawes of England.

21. And that there may be no dispute about the bounds of Countys Wee have thought fit to apoint that the bounds of Albemarle County be from the great river called Albemarle River on Ryanoke River to Virginia, that the bounds of Craven County be from Sewee twenty three miles to the North East along the shore and from thence thirty five miles in a North west line into the land that the bounds of Berkly County be Sewee in the North East and so along the Sea to Stonoh river to the South west and thirty five miles back into the Land from the sea.

22. And that the bounds of Colleton County be Stonoh river on the Northwest and Combehee on the Southwest and thirty five miles into the land in a streight line from the Sea and where the rivers nominated for the Northeast & Southwest bounds of any County doe not extend full thirty five miles from the Sea in a streight line the bounds of the s^{d} Countys are to be streight lines run from the heads of the s^{d} rivers untill it meet wth the Northwest bounds of the s^{d} County wch is to be thirty five miles from the sea and no more.

23. The Countys farther up then thirty five miles from the Sea shall have the same rivers for their bounds If they run so farr up but if the rivers run not so farr then a line runeing Northwest shall be extended thirty five miles farther into the land then the Northwest bounds of the County next the Sea wch lines runeing Northwest shall be the Northeast and Southwest bounds of the s^{d} County

24. And when any County shall make it appeare that by Grants registered in the Registers Office that there is in that County forty free holders you are then to issue Writs to the Sheriff of the s^{d} County for the choosing of four Delegates to rep^{r}sent in the Assembly the freemen of that County and then you are to issue Writs to the forenamed Countys for the choice of four Delegates for each County onely.

25. And as other Countys come to be planted and make it apear there is forty free holders in the County you are to issue Writs in such Countys

for the choice of four Delegates also to repr̃sent them in the generall Assembly of the freemen of the Province and before any County have forty free holders so as to have Writs directed to it for the choice of Representatives for the County they reside in they are to give their votes for the choice of Delegates in the County next to them that is qualifyed to choose Delegates.

26. At the same time that you issue Writs for the choice of Delegates for the County you are to send Writs in our names to each of the Landgraves and Cassiques of Carolina to convene and give their advice and consent in the passing of such lawes as shall be thought reasonable and the Landgraves & Cassiques are to sett together wth our Deputys.

27. With the advice and consent of our Deputys and the Landgraves and Cassiques and Delegates of the Freemen thus assembled or the major part of them you are to make ordaine and enact such lawes as shall be thought necessary for the better Goverm^{t} of our Province but to be ratifyed by y^{r}self and three or more of our Deputys under their hands and seales in presence of the Landgraves & Cassiques & Delegates of the Countys before such acts be published or allowed to be lawes wch lawes soe past are to continue in force for two years & noe longer unless within that time they are ratifyed and confirmed under the hands and seales of the Palatine and three or more of the Lords Prop^{rs} themselves and by their order published in the Generall Assembly.

28. Any law soe past before it hath been ratifyed under the hands and seales of the Palatine himself and three more of the Lords Prop^{rs} themselves under their hands and seales and by their order published in the Generall Assembly of the Landgraves and Cassiques and Delegates for the Countys shall cease to be a law whenever the Palatyne and three more of the Lords Prop^{rs} signify their Dissent to it under their hands and seales.

29. You are constantly to transmitt to us all lawes past as soon as possible.

30. You our Governor are by and with the consent and advice of any three or more of our Deputys to adjourne prorogue and dissolve the Generall Assembly as often as you shall think it requisit so to doe.

31. Wee having long since thought fit to take all the Indians resideing within four hundred miles of Charles towne into our protection as Subjects to the Monarchy of England you are not to suffer any of them to be sent away from Carolina.

32. You our said Governor are to be Comander of all the forces raised or to be raised within ye limits of ye Goverm^{t} over whom you are to place

officers and them remove at your pleasure and to cause the sayd forces to be duely exercised in armes and to doe all other things that to a Comander in Chief doth belong.

33. You our said Governor are to direct the meeting of our Deputys as often as you shall think fitt.

34. If you our s^{d} Governor should happen to dye or depart the province or any other ways to be out of the Governm^{t} and no person on the place Commissioned by the Palatine or us the Lords Prop^{tors} Our Will and pleasure is that the prop^{rs} Deputys who are made so under the hands and seales of the Prop^{tors} shall choose one of the Landgraves to be Governor. If any Landgrave be then in Carolina and against whom there is no objection and If there be any objection against the s^{d} Landgraves being Governor they are to transmit the s^{d} objection to us but If there be no Landgrave in Carolina against whom there is noe objection that then those our Deputys are hereby empowered to choose one of those our Deputys who is so by virtue of a Deputation under the hand and seale of a Prop^{tor} to be Governor untill another shall be apointed by the Palatine and If there be no Deputy who hath a Deputation under the hand and seale of a Prop^{tor} That then the Deputys may choose one of those Deputys put in by the Governor to be Governor as aforesaid.

35. You are to be very Carefull not to suffer any of the Inhabitants of our province to Comitt any acts of hostility against the Spanyards.

36. You are to suffer no fines to be layd on any one for misdemeanors by them comitted but to our vse the fines soe layd being our right.

37. You our s^{d} Governor upon any misdemeanors comitted are by and with the consent of any three or more of our Deputys to suspend any Officer in Carolina put in by any of the Prop^{tors} except our Deputys and our Receiver Generall and place another to execute the s^{d} Office in his roome untill our pleasure be knowne and while the said Office is executed by another he that so shall execute the s^{d} Office is to keep an acc^{o} of the profits of the s^{d} Office and be responsible to the party who is so suspended for the profits of the s^{d} Office. If wee Ourselves shall think fit to restore him and soe direct and you are to send to vs the reason of such suspension that we ourselves may be enabled to judge If there be sufficient cause for yor so doing and what the s^{d} party doth alledge for himself.

38. Any Officer put in by any of the Prop^{tors} If he execute the s^{d} Office by a Deputy is to take such Deputy as you our Governor and our Deputys shall aprove of and no other.

39. You are to take all Imaginable care to see the acts of trade and navigation duely to be observed.

40. You are to vse yor vttmost endeavour to seize any Pyrats that shall come to Carolina and you are to prosecute all such as shall presume to trade with them or have any comerce with them contrary to law to all the vttmost rigor the law allowes.

41. In all other matters not limited or provided for by these our Instructions you our s^{d} Governor are by and with the consent of any three or more of our Deputys to make such Orders from time to time for the peace and safety of the Government there as to you shall seem necessary and wee ourselves have power to do by vertue of our Charter from the Crown wch orders you are forthwith to transmit to vs with yor reasons for the makeing of them wch orders are to be in force untill wee shall under the hand and seale of the Palatine and three more of the Lords Prop^{tors} otherwise direct and no longer.

42. These Instructions shall be the Rules for proceedeings for any succeeding Governor as well as yo^{r}self and be put in Execution by him untill wee shall otherwayse direct.

43. Wee doe hereby repeale and make voyd all former Instructions for the Governm^{t} of that part of our province that lyes south and west of Cape feare and all temporary lawes whatsoever these our Instructions being to be yor onely rule for the Governm^{t} of the future untill wee shall otherwise direct but our powers and rules for granting land are not hereby revoaked but to remaine as they are Giuen vnder our hands and seales this eighth day of Nov^{ber} one thousand six hundred and ninety one.

CRAVEN Palatine
ASHLEY

JOHN ARCHDALE
for THO: ARCHDALE

P. COLLETON

THO: AMY

[B. P. R. O. Colonial Entry Book. No. 22. p. 197.]

ADDITIONAL INSTRUCTION FOR COLLONELL PHILIP LUDWELL GOVERNOR OF OUR PROVINCE OF CAROLINA

If you shall find it Impracticable for to have the Inhabitants of Albemarle County to send Delegates to the General Assembly held at South Carolina you are then to Issue yor Writs to the Sheriff of Berkly County to choose seaven Delegates for that County and to the Sheriff of Colleton County to choose seaven Delegates for their County and to the Sheriff of Craven County to choose six Delegates for that County for

the Generall Assembly of that part of our province that lyes South and west of Cape fear and so to continue vntill more Countys are planted and shall be able to choose Delegates for the Generall Assembly as is apointed in our Instructions bearing date the eighth day of Nov^{ber} One thousand six hundred and Ninety one If you shall find it needfull you our Governor are and are hereby Impowered to apoint a Deputy Governor of North Carolina with such powers as you shall think necessary provided the same be agreeable to and do not exceed those by vs granted to yo^{r}self Given under our hands and seales this eighth day of Novr 1691

CRAVEN Palatine
JOHN ARCHDALE ASHLEY
for THO ARCHDALE P. COLLETON
THO AMY

[B. P. R. O. Colonial Entry Book. No. 22. p. 194.]

PRIVATE INSTRUCTIONS TO COLLONELL PHILIPP LUDWELL GOVERNOR OF CAROLINA

[8 November 1691]

1. Mr Seth Sothell and the people of Carolina having acted contrary to all the fundamentall Constitutions of the Government and Mr Mathews who pretends to be impowered by the people assureing us the people owne none Wee have made yor Instructions sutable to our Charter from the Crowne and the people desiring a power of proposeing in the parliam^{t} without passing the Grand Councell first Wee know no further use of such a Councell wherefore you are to call none such untill the people shall consent the proposeing power for lawes shall be in the Grand Councill as was directed by the Constitutions.

2. Wee haveing heard that the people of Carolina complaine of hardships and greivances that are upon them You are to Inquire what those hardships and greivances are and represent the same to us and what will be fit to be done by us to redress them.

3. Whereas it hath been insinuated to us in a paper signed by Andrew Percivall Robert Quarry Ralph Izzard George Mus-champ John Harris and John Berresford That James Colleton Esqr our late Governor did sett up Martiall Law thereby the better to Ingrosse the Indian trade to himself you are to make strict Inquiry into that matter upon Oath and give us yor report thereof in writeing And you are to send the deposi-

tions whereon yor report is grounded to us And you are to examine upon oath such witnesses as the s^{d} James Colleton or any for him shall produce to be examined for his owne vindication you are also to Inquire what other Injustice or extortion was practised by the said James Colleton dureing his Goverm^{t} and report the same to us how you find it.

4. Wee are Informed that some of the Inhabitants of our Province have kill^{d} severall of the Indians wch being of pernicious Consequence not onely in Carolina but to all others his Majesty's Subjects in the Northern America you are to make strict Inquiry thereof upon oath and if you find any person guilty thereof you are to cause them to be Indicted and tryed for the same according to law and such punishm^{t} Inflicted as the law apoints to such offenders that wee may bee able to acquitt Ourselves to their Maj^{ts} and make our Justice knowne to the Indians and all the world.

5. You are to make strict Inquiry upon Oath by what authority Mr Berresford and any other acted as Deputy and whether Mr Sothell refused to suffer any to act as Deputy who had deputations under the hand and seale of any of the Prop^{tors} and send us the depositions taken in this matter attested by yo^{r}self and you are to take notice that there were no Deputations sent by any of the Lords Prop^{tors} by Capt. Dodson except a Deputation from Sr Peter Colleton to Capt. Joseph Blake and the blank Deputation in the custody of James Colleton were Intrusted to him to be filled up by himself onely and noe other.

6. You are to make strict Inquiry by what authority Capt. Robt. Quarry sat as Judge or Sheriff of Berkly County and if you find his Comission is not signed by three legall Deputyes as well as the Governor or by any other Authority duely derived from us you are not to allow of any Judgem^{t} given by him as legall but look upon them as tryed by no legall order.

7. You are to restore Paul Grimball Esqre to all the places he enjoyed under us and out of which he was put and you are to suffer the s^{d} Grimball and all other persons to take his course at law against any person or persons whatsoever that hath done him or them Injury or Injustice.

8. You are to restore Bernard Skenking Esq to his place of Chief Judge or Sheriff of Berkly County Wee haveing had no complaints against him for injustice and found him always faithfull to us and you are to add four Assistants to him of whose probity and loyalty to their Ma^{tys} and fidelity to us you have a good assurance.

9. If you find the number of offendors in the late disorders in Carolina to be so many that it may be inconvenient to punish all you are then to grant our pardon to all (with exception to such as have been guilty

of high treason towards their Majtes and willfull murder) but some few of the most notorious and obstinate offendors and against whom the proof of their crimes is playnest against whom you are to proceed at law It being necessary for the future quiet of our Province to have some made examples or to be at mercy at least.

10. Wee are Informed that there are very good perle in some rivers of Carolina wch being granted to us by our Charter you are to consider the properest way how to make the same profitable to us either by our renteing the same to some person or persons or what other way you shall think fittest for us when you are upon the place.

11. You are to encourage all people that will to reside at the Sevanah towne or any other place among the Indians that the Inland parts of our Province and the strengtht of the severall Nations of the Indians may be fully knowne.

12. You are to suffer all persons that will freely to trade with the Indians.

13. You are to make strict Inquiry upon Oath If Mr Sothell did grant any Comission to Pyrates for rewards or otherwise wch Jonathan Emery knows as wee are Informed who had twenty guineas for procuring a Comission from sd Sothell and if you shall find any such Comission was granted by him in our names you are to enter our dissent to it on record Incerting that such a Comission was granted without our consent and knowledge

14. Wee are Informed that severall Persons in Carolina not desireing to be Incumbred with a rent are willeing to buy their Land for wch reason wee have given power to Our Trustees for granting land to sell six thousand akers and pass grants for the same to such persons as shall first have payd the purchase money in pieces of eight after the rate of five shillings the piece of eight to Paul Grimball Esq. our Receiver which you are to Incourage men to do as much as you can.

15. You are to direct the Surveyor not to run out land for any man North of Santee River untill you shall receive further orders from us.

16. If you find it needfull you are hereby Impowered to apoint a Deputy in North Carolina

17. You are to use yor uttmost endeavour to reduce the people to a sober vertuous maner of life by punishing all debauchery and profaneness

18. If you find there hath been monays illegally collected or extorted from the people you are to cause restitution to be made in a legall maner and with the least disturbances to the quiett of the place as you can

19. You are to put none in Office in Carolina that are suspected not to be friend to the pres^{t} Goverm^{t} here.

20. You are to make strict enquiry upon oath If Mr Sothell did refuse to governe by our Instructions and send the depositions and yor owne report how you find it to us.

21. You are to use yor uttmost endeavor to make a setlem^{t} of a Towne remote from the Sea to be hereafter the seat of the Goverm^{t}

22. You are to make strict Inquiry what rents or other payments are due to us and give us an acc^{t} thereof as soon as possible

These our Instructions and as many of them as you shall think fitting you are to shew or keep private as to you shall seem best.

Given under our hands and seales this eighth day of Nov^{ber} one thousand six hundred ninety one.

JOHN ARCHDALE for
THO: ARCHDALE.

THO. AMY.

CRAVEN. Palatine
ASHLEY
P. COLLETON.

[B. P. R. O. Colonial Entry Book. No. 22. p. 201.]

London this of Dec^{ber} 1691

Wee have rec^{d} severall Letters and papers from you wch wee would have answered fully now but that we want further Information in some particulars which wee hope wee shall be satisfyed in soon after the arrivall of our Governo^{r} Coll: Philip Ludwell amongst you. Wee were extremely troubled when wee heard of the sufferings of the Inhabitants of North Carolina by the arbitrary proceedings of Mr Seth Sothell which unjust and Illegal actions wee abhor and have taken the best care wee can to prevent such for the future And that all men may have right done them who have suffered by him. Wee shall always endeavour yor good and welfare and to make peace plenty and happiness to florish amongst you you Wee comitt you to the protection of Allmighty God and rest

Yo^{r} very affectionate friends

CRAVEN Palatine
ASHLEY
CARTERET
P. COLLETON

To Our Counsell Magistrates and
Inhabitants of that part of our
Province of Carolina that lyes
North and East of Cape fear

1692.

[B. P. R. O. America & W. Ind: No. 637.]

Virg[a]

To the R[t] Hon[bl] their Ma[t] Leiu[t] Gov[r] & the Hon[hle] Councill of State.

In obedience to an ord[r] of the R[t] Hon[hle] the Leiut[s] Gov[r] & the hon[ble] Councill beareing date the 22[d] 8[br] 1691, At the mouth of Weyanock River or Creeke being a Branch of the great River of Roanoak otherwise called Chawan & Albemarl River, being alsoe the bounds of the p[r]tended latt[r] Grant to the Lords Propryet[rs] of Carolina.

Upon the 8 & 9[th] day of March An[no] 1691-2 together with M[r] William Heslett my Assistant, & divers other persons that accompanyed mee, I made two sev[ll] observac̄ons of the sunns altitude at Noone, & find the Latitude of the Mouth of the s[d] Weyonock River or Creeke to be North Lattitude 36 deg: 25 min:

I further observed that at that place the Course of the said River of Weyonock runns up Westerly tending 40 or 50 deg[s] Northerly & the course of the Blackwat[r] runns up at that neare North.

I alsoe set my Instrum[t] due East, and was Informed by y[e] Indians, that it directed to the Plantation of Tho: Gough, an Inhabitant in Sumerton (a Settlem[t] of sev[el] Plantations in the County of Nanzemond) about ten miles distant.

The next day being the 10th of March proved very Rayney.

On the 11th day I went to Sumersett afores[d] near to the place directed by the Indians where we made an observac̄on of the Sunns Meridian Altitude (haveing a very fair observac̄on) & find, that to be in the Latitude of 36 deg: 27 Min: North. Soe that if these observac̄ons be true and exact; An East line (being the Reverse of their Grant) from Weyonock will include the Plantations of Sum̄erton, and all North of that line into this Goverm[t] But leaves Bennetts Creeke, Buckland, Sarum &c. out.

The 16[th] of March I set out for Corotuck Inlett to which place I came the 19[th] of the same & upon a place called Cowpenpoint on the North side of Corotuck River, or Inlett, Wee observed y[e] Su[n]s Meridian Altitude to be 57: deg[s] 20 min[ts] by w[ch] the latitude of that place is North 36 deg[s] 28 min[ts].

I alsoe observed by my Instrum[t] that a West line from thence went over Knots Island; leaveing the greatest part of that Island on the South

side the West line, but could from thence make no further observacons of the beareing of any remarkable Settlem^{ts} Contiguous to the place.

But I sent the said Mr Harslett round the. Sound & sand banks to a place called Chases point, (being near 70 Miles about) to make observacons of the Mouth of North River & No: West River, wch are in ye Countyes of Princess Ann & p^{t} in Lower Norfolk, who hath to me reported that a West line from Corotuck aforesaid runns over p^{t} of Chases point, & excludes Capt Gibbs plantation, being on the point of the Neck, betweene North & North west river afores^{d}, & Crosses North West River about three Miles from the mouth thereof, according to a Scheeme or Platt, thereof ready to be delivered to yor Hono^{r}

I returned home the 22nd March.

Yo^{r} Hon^{rs} most humble & obedient Servant

THO: MILNER.

1693.

[Records of Perquimans Precinct Court.]

AT A COURT HOLDEN AT THE HOUSE —— HARRIS, FIRST MUNDAY IN MAY 1693

Present

Alexander Lillington, Caleb Calloway, John Barrow, Thomas Lepper } Esq^{rs}

I will well and truly as Clarke of this Court enter all such orders as shall be directed to mee, and wilbe truly ffaithfull in all such records as shall be committed to me in charge, I wilbe secret in w^{t} shalbe required of me by this Court to be kept and according to the best of my skill and knowledge execute the office aforesaid so help me God

EDWARD MAYO.

A Will of Robert Smiths was proved by the oathes of Thomas Steele and Elizabeth Godfrey

Ordered that Jonathan Bateman & John Durant be appraisers of the said estates.

Ordered that John Godfrey Jonathan Bateman and John Durant be appraisers of the estate of Thomas Slaughter & Margarett Slaughter

St^e Manering vers Rob Beasley

In an action of the case refered to the Jury ffoll: the Jury finds no cause of Action.

St^e Manering vers Rob. Wilson

In an action of defamation referred to ye Jury ffoll: the Jury finds no cause of Action. Ordered y^t Stephen Mannering pay all costs alias Execution.

St^e Manering vers Rob Wilson

In an action of ejectment referred to the Jury ffoll: The Jury finds no cause of action. Ordered y^t Stephen Mannering pay all costs alias Execution.

Mrs Wollard vers Edw Smithwick

In an action of ejectm^te referred to the Jury ffoll: The Jury finds for Plan^tf wth costs. Ordered that the High Shriefe or his deputy put ye s^d Sarah Wollard in possession of her plantation lying in Chowan as she was formerly w^n Mr Edward Smythick did dispossess her of the same & doe pay costs

Rich Pope ver John Philpott

No declaration appearing. Ordered a nonsuite wth Costs: alias Execution

Jno Philpott ver Richard Pope

In an action of perjury referred to the Jury ffoll: the Jury finds no cause of action Ordered the plan^tf pay all Costs of suite. alias Execution.

Jno Philpott ver Richard Pope

In an action of Perjury referred to ye Jury ffoll: ye Jury finds no cause of action. Ordered y^t the plan^tf pay costs of sute alias Execution.

Hannaball Hoskins ver Patrick Henley

In an action of ye case refered to ye Jury ffoll: the Jury finds no cause of action

Joseph Hallott ver Patrick Henley

In an action of the case ye Plan^tf having showed no declaration. Ordered y^t the Plan^tf be nonsuited and pay costs alias Execution.

Mary Parke ver Rob. Wallis

In an action of ye cace. Ordered a nonsuite wi^th Cost alias Execution.

HENDERSON WALKER ATTORNEY TO THO: SWAN ATTORNEY TO SARAH LAMB OF NEW ENGLAND ver JOHN DANN

In an action referred to ye Jury ffoll: ye Jury finds no cause of Action.

HEN. PALIN JUN^r^ vers DAN^l^ PRICHARD JUN^r^

The action called no declaration appering Ordered a nonsuite wth Costs

Tim^o^ Pead: Mr Rich Ewins: Mr Anth^o^ Dawson: Mr Geo: Branch: Mr Israel Snelling: Mr Tho. Twidde: Mr Nich^o^ Dawes: Mr Jno Lille: Mr Jno Stepne: Mr James Hogg: ffirst Jury.

Mr Ralph fflecher: Mr Christo^r^ Butler: Mr Tim^o^ Clare: Mr James Thigpen: Mr Tho. Pierce: Mr Patrick Kenedy: Mr Ste: Mannering: Mr Robt. Brightwell: Mr Geo. Eames: Mr Isaac Wilson: Mr John Willoughby: M^r^ ffrancis ffoster: Second Jury.

Upon petition exhibited by Isaac Wilson praying an ord^r^ of this Court for 4 dayes attendance and 4 dayes coming and going for wch an order is granted

Upon a petition of Robert Beasly praying an ord^r^ of this court foure dayes attendance and six dayes goeing and coming for wch an ord^r^ is granted

Johana Beasly upon a petition prayes an Order for one day attendance and one day coming and going for wch an ord^r^ is granted

Upon a petition of Wm̃ Lacy Junr praying an order for 3 dayes attendance & two dayes coming and going in November Court and in May Court one day attending and 2 dayes coming being sumoned by Robert Wilson for wch an ord^r^ is granted

Upon a petition of Patrick Kenady praying an order for three dayes attending and one day coming and one day going in November Court and in ffebruary Court one day attending and one day coming & one day going and in May Conrt one day attending & one day coming & one day going at ye sute of Robt Wilson ag^t^ Mannering for wch an ord^r^ is granted

Diana ffoster records her marke an und^r^ keele and over keele on the right ear and a cropp and 3 slitts on the left ear.

Upon petition of Ralph ffletcher praying an ord^r^ for 10 dayes attendance at ye court and ten dayes coming and going for wch an ord^r^ is granted.

Upon a gene^ll^ petition exhibited to the Court by seve^ll^ Persons praying an ord^r^ for their attendance at Court to Witt John Wallis 2 dayes in ffebruary Court and in May Court 3 dayes for himselfe and 3 dayes for his wife John Chapman in february Court 2 dayes Joana Beasley wife of Robert Beasley in february Court 2 dayes and Robert Beasley & his wife in May Court each 3 dayes and Andrew Davis ffebruary Court 2

dayes and in May Court 3 dayes Isaac Wilson in May Court 3 dayes Mr Ralph ffletcher one day Peter Gray one day James Thigpen 3 dayes John fflowers in fferuary Court 2 dayes and in May Court 3 dayes for woh an order is granted.

Ordered yt Capt Thomas Relfe be paid for 3 dayes attending the Court on ye action depending between Mr Rich Pope & Mr John Philpott

Upon proveing a noate by Mr Caleb Calloway ordered that he be paid to him thirty shillings out of the estate Guyles Long disceased.

ALEXr LILLINGTON
CALEB CALLOWAY
JOHN BARROW
THO. LEPPER

1694.

[B. P. R. O. North Carolina. B. T. Vol. 4. p. 17.]

William Earle of Craven Palatine John Earle of Bath. Anthony Lord Ashley George Lord Carteret Sr John Colleton Barrt Seth Sothell Tho. Archdale and Thomas Amy Esqrs the true and absolute Lords and Proprietors of ye Province of Carolina

To our Trusty and Wellbeloved John Archdale Esqr Governor of South and North Carolina

Wee ye said true and absolute Lords and Proprietors of ye Province aforesaid reposeing speciall trust and confidence in ye Courage Loyalty & prudence of you ye sd John Archdale do hereby constitute and apoint you during our pleasure Governour of our whole province of Carolina And you are to doe and execute all things in due maner & forme that shall belong to your comand or ye trust wee have repos'd in you according to ye severall powers granted you by this prsent Comission Wee doe hereby further Impower constitute and apoint you our sd Governour to be Admirall Capt Generall and Comander in chief of all ye forces raised or to be raised both by sea and Land within our sd province and over them to apoint a Lieutenant Generall or Lieutenant Generalls Vice Admirall or Vice Admiralls both of South and North Carolina and Wee doe hereby farther Impower you upon all occasions during yor abode in America to

constitute a Deputy or Deputy Governors both in South & North Carolina during yor pleasure and to constitute and apoint all and singular offices in and for the Governm^t^ of our s^d^ province during yor pleasure and y^t^ pleasure of vs ye Lords proprietors Wee doe hereby Impower you at your departure from Carolina to England to apoint & constitute a Deputy Governour or Deputy Governors both in South and North Carolina with such powers onely as have been given by vs to ye present Governour Thomas Smith Wee do farther give you full power and authority with ye advice and consent of any three or more of our Deputys to grant and sell land in fee reserving twelve pence for one hundred acres ℔ annum as an aknowledgement and to settle ye quitt rents by Patents or Indentures and by such a methode as you our Governour with any three or more of our Deputys shall think fitt soe as when money cannot be had a true valne may be settled in ye best of such Comoditys as ye Countrey is capable of producing Wee doe farther Impower you to escheat Land and afterwards to lett it for rent or sell ye same And wee do hereby farther Impower you our s^d^ Governour by and with ye advice and consent of our Councell and Generall Assembly of Our Province or any part thereof wherein there is a distinct Governm^t^ to alter any former Laws that shall be thought fitt to be changed and to enact all such reasonable laws and Statutes for ye better Goverm^t^ of our s^d^ Pro^ce^ as you wth ye advice and consent of our Councell and Generall Assembly shall think expedient provided ye s^d^ Laws be not contrary to ye powers granted to vs in our Charter from ye Crowne and as nere as possibly agreeable to ye fundamentall Constitutions excepting in what relates to Jurys wherein wee have already given directions And wee doe hereby Repeale and make voyd all other Comissions given by vs to former Governors of our s^d^ province Given vnder our hands and ye great Seale of our province this 31° of Augt 1694

CRAVEN Palatin (×)
BATH (×)
A ASHLEY (×)
CARTERET (×)
Wm THORNBURH for
Sr JOHN COLLETON (×)
THO: AMY (×)

[B. P. R. O. North Carolina. B. T. Vol. IV. p. 21.]

FURTHER INSTRUCTIONS FOR JOHN ARCHDALE ESQr GOVERNOR OF CAROLINA

Whereas Collonell Ludwell our late Governor of North Carolina hath Informed us by his Letter bearing date the 1st of May 1694 that he hath granted our lands of Albemarle County at a farthing ℔ aker and pretends a power by vertue of an ancient grant in ye time of ye Goverm^t of Mr. Stephens

1 Wee do hereby Impower you our Governor to make Inquiry into ye same and if you shall find any such Authentique Grant vnder our hands and seales &c you are hereby Impowered to allow & aprove of ye same and to grant lands in ye sd County of Albemarle onely at a farthing ℔ aker

2 You are to signify unto our Inhabitants of North Carolina that ye sd County of Albemarle is by us aproved to be only that part that Joines to Virginia and on ye southerne part is separated by Albemarle Sound and Chewan River

3 Because that ye southern part of Albemarle Sound and ye Sound of Pemlico lye nere vnto ye sd County of Albemarle and have not ye advantages good harbours for shipping. Wee therefore Impower you our sd Governor for ye Incouragement of settling those parts wch lye north of Cape Fear to lett any of ye sd land at such moderate quitt rents as you in your discretion shall think most reasonable but not under half penny ℔ aker for every aker yearly to vs and our heirs for ever

4 Whereas Landgrave James Colleton late Governor of Carolina complaines in his Letter to vs of ye 19o of July 1694 that not one peny of his Sallary of 200£ ℔ annum was paid him during all ye time of his Government wch was allmost four years you are to settle all accts wth him and order ye Receiver Generall for ye time being to pay him ye ballance that shall apeare to be Justly due to him after having first deducted the yearly rent of his Barony for all ye time he hath enjoyed it but at 20£ ℔ annum in consideration of his sufferings on our behalf dnring his Goverm^t

5 You are to endeavour also for ye better regulating and ye encouragem^t of ye people that shall hereafter come to inhabit that tract of land that lyes North of Cape Fear and South of Albemarle County to erect as many Countys as you in yor Discretion shall see convenient and to give them such names as you alsoe shall think fitt

6 You are alsoe hereby Impowered wth 3 more of our Deputys to sell land in Albemarle County for what you can reasonably obtaine but not vnder ten pounds ye 1000 akers reserving an aknowledgement of five shill: ye 1000 akers yearly and not vnder to vs and our heirs for ever Given vnder our hands and seales this 17° of October 1694

CRAVEN Palatine (×)
BATH (×)
Wm THORNBURGH for
Sr JOHN COLLETON (×)
THO. AMY (×)

[Records of Perquimans Precinct Court.]

AT A COURT HOLDEN AT THE HOUSE OF DIANA FFOSTERS—THE FFIRST MUNDAY IN FFEBRUARY ANN^{o} DO. 1693–4

Present Alexand^{r} Lillington, Caleb Calloway, John Barrow, Thomas Lepper } Esq^{rs}

Wilkesons Vers Lillington & Hartley

A Judgm^{te} Confest by Majo^{r} Lillington & Mrs Susanna Hartly as Attorneys to Capt George Clark^{e} for £35: ^{s}19: wth Cost alias Execution: Ordered that Majo^{r} Alexande^{r} Lillington & Mrs Susanna Hartly in their Capacityes aforesaid doe pay unto Collo^{ll} Wm Wilkeson ye Sume of £35: 19 Cost as aforesaid

Wilkeson Exe^{r} to Jno Davis Vers Lillington Att to Holland

A Judgm^{te} confest by Majo^{r} Lillington as Attorney to John Holland of Virginia for ye Sume of £4: ^{s}2: ^{d}6. due to ye sd Wilkeson Executo^{r} to Mr John Davis discea^{s}: Ordered y^{t} Majo^{r} Lillington in his capacity aforesaid pay unto Coll^{ll} Wilkeson ye Sume of £4: ^{s}2: ^{d}6. wth Cost Alias Execution.

Mason vers White

In an action of ye Cace referred to ye Jury ffollowing Mr John Philpott Mr Patrick Henly Mr Richard Smith Mr John ffendall Mr John Tweegar Mr Tim^{o} Clare Mr Wm Butler Mr Richard Cheste^{d} Mr Thomas Horton Mr Roger Snell Mr Robert Beasley Mr Cornelious Lerry: Or-

dered that the defend^{t} pay unto the plan^{tt}: ^{s}17: ^{d}6: wth Cost alias Execution

PHILPOTT vers NOWELL

Mr John Philpott wthdrawes the action ag^{t} Rich Nowell.

Mr Tho Lepper has proved Ten rights whose names are as followeth Tho. Kent Ann Kent Sarah Kent Rebecca Kent Ann Kent John Thomas Wm Brown Wm Brickstone Tho Lepper Nicholas Robeson

Caleb Calloway enters ffoure Rights: Dan^{ll} Pembrooke Tho Merrett an Indian Boy in all ffoure. Arthur Long

HARLOW vers HOPKINS

In an action of the Cace referred to ye Jury ffoll the Jury finds for ye Plan^{tf} £4: 00: ^{d}4 wth Cost alias Execution.

A deed of Gift acknowledged in Court by Roger Snell to Jonathan Taylor

HOPKINS vers HARLOW

In an action of the cace nothing appearing Ordered a Nonsuite wth costs alias Execution

A Will of Mr George Durants proved in Court by the oath of Mr John Philpott & M^{r} ffrancis ffoster and that Mr George Muschamp Mr Charles Jones and Mr John West be appraisers of the said estate

A Will of Mr Seth Sothells Proved in Court by the oaths of Collo^{ll} Wilkeson Capt Henderson Walker and Sarah Wollard

YOUNG vers HARTLY EXECUTRIX TO THO. SLAUGHTER

In an action of the cace referred to ye next Court

An assignm^{t} acknowledged from Capt Henderson Walker as Attorney to Mrs Alice Wade to Mr Patrick Baly.

A petition exhibited by Elizabeth Arnord praying an apprasem^{te}. Ordered that William John Godfrey be appraisors of ye estate of Laurence Arnold disceased & that a true inventory be given unto the next Court upon oath

BURNSBY vers DEVILLARD

In an action of deteynue referred to ye Jury ffoll the Jury finds no cause of action.

Ordered that Wm Burnsby pay all Cost alias Execution

EVINS vers DEVILLARD

In an action of Debt by bill a judgm^{te} confest by the Defend^{t} for 240lb of Porke

Ordered that satisfaction me made accordingly wth Cost alias Execution

PLATER vers TOMS

The Defend^{t} not appearing a nonsuite is granted with Cost alias Execution

PLATER vers MANWERING

A nonsuite is craved and granted with Costs alias Execution

DAWSON vers LERRY

The plan^{tf} & defend^{t} being called the plan^{tf} not appearing

Ordered a nonsuite with Cost alias Execution

BUTLER vers MACKDANNEL

In an action of debt referred to ye Jury ffoll. The Jury find no cause of Action Ordered that the plan^{tf} pay cost alias Execution

Mrs Durant enters for her two Grand Children a young sorrell mare with a star in her forhead Called Bonne the same mare & her increase & increases to to Ann and Elizabeth Waller to them and their heires for ever.

Thomas Lepper has proved ten Rights in ye County Court Tho Kent Ann his wife Sarah Kent Rebeccah Kent Ann Kent Junr John Thomas Wm Brown Wm Brickstone Tho Lepper Nicholas Robeson

John Barrow proves three rights by importation Robert Tester Simon Smith and a negroe Jean

Thomas Pierce has proved his rights being Thomas Pierce John Pierce Susanna Ruth Pierce Dorothy Pierce Mary Pierce Mary Bridges John Wilkeson and John Pierce in all nine Rights

Hannah Gosby has entered nine Rights Jno. Gosby Jno Anderson John Kinsey Richard Waterlow Kathrine Kinsey Jean Anderson & 3 hands from Jno Northcoate Joseph Hepworth Jeremiah White & Henry Clay sen^{r} in all nine Rights

Peter Gray Proves two Rights for himselfe transporting twice into the Governm^{te} and one given him by John Twegar

John Bently enter for importation Richard Bently Jean Bently Mary Bently Sarah Bently a negroe Boy a Negroe Woman an Indian Boy in all Seven Rights

Roger Snell enters for importation Roger Snell Rebecca Snell John Snell Mary Snell Walter Castle in all five

Jenken Williams enter one right for himselfe

Tim^{o} Clare has proved foure Rights Tim^{o} Clare ffrancis Belchamp Edmond Rodman Rich^{d} ffox Junr in all foure.

Sam^{ll} Niccols has proved his rights being Chrisso^{r} Niccolson Hannah his wife Deliverance Sutton Sam^{ll} Niccolson ffrances Simons Hannah Niccolson in all Six Rights.

Thomas Harloe has proved his Rights Thomas Harloe Mary Harloe Mary Harloe Jno Harloe in all ffoure.

Christo^{r} Butler has proved his Rights Christo^{r} Butler his wife & two children and a negroe girl in all five.

John Durant has proved his rights. John Durant Sarah Durant one Ser^{tt} named Judith in all three

William Godfrey has proved his rights being Prudem Hallum John Hallum Elizabeth Hallum Wm Godfrey Sarah Godfrey in all five rights

A Petition of Cornelius Lerry exhibited to the Court praying a qui : est.

James ffewox has proved James ffewox Ann ffewox Robert ffewox Edith Batchelor James Wilson Ann Wilson Alice Wilson John Wilson in all eight Rights.

Edward Mayo has proved his rights being Edward Mayo Senr Edward Mayo Junr Sarah Mayo Ann Mayo Elizabeth Mayo three negroes John Nixon Em Nixon Ann Nixon Affrica Pike Samuel Pike in all thirteene

Turloe ffee has proved his rights namely Turlo ffee Daniel ffee being two

John Mason has proved his rights being Morgan Thomas and his wife and two children and a highred man named John Haws: in all five Rights.

William Butler proves his rights being William Butler Diana Butler in Number two.

Richard Nowell has proved his rights being Richard Nowell Joan Nowell John Smith Ellinor Nowell Charles Taylor George Taylor Mary Taylor Olliver Nowell Alice Nowell in all nine

George Deere has proved his rights being Jeane Critchell and John Dear and by Hannah Harrison Edward Harrison Hannah Harrison Joseph Williams W^{m} ffyan Hannah ffyan Mercy ffyan Elizabeth ffyan Lydia Harrison in all tenn persons

George Young has proved his rights namely Edward ffoster Perthesia ffoster and George Young in all three

Tabitha Haskett has proved her rights being John Gray and Tabitha his wife John Gray Thomas Gray John Gray in all five Rights

Charles Mackdaniel has proved his Rights being Charles Mackdaniel Elizabeth Mackdaniel Thomas Wallingforde Samuel Powel in all ffoure.

William Lacy has Proved his Rights being Martha Rouse John Rouse Mary Rouse Martha Rouse Wm Lacey Senr Grace Lacey John Davis Jean Davis Wm Lacey Junr in all nine Rights

James Loadman has proved his Rights being Hubbart Lambert Jeane Buyard his Mother & James Loadman in all three Rights

Stephen Manwering has proved his rights being Edward Berry Andrew Kinsley John Deadman Robert Brightwell Senr Alice Brightwell Robert Brightwell Junr Richard Parker John Caselton Stephen Manwering being in all nine Rights

Thomas Hossold has proved his Rights being himself twice transported Mary Hossold Thomas Hossold Junr Thomas Snowden in all five Rights

John Northcoate has proved his Rights being Henry Clay Senr Mary Clay Henry Clay Junr Precilla Clay two Servants Joshua Hepworth Jeremiah White John Northcoate. Three of these rights are sold to Hannah Gosby being in the whole Seven Rights

Anthony Dawson has proved his Rights being himselfe and John Chapman in all two Rights

Mr Patrick Baly has proved his Rights being himself Lucy Harvy a Negroe Woman Margrett Hamelton two Rights John Hudson Simon Daxter in all Seven Rights

Richard ffox has proved his Rights being Richard ffox George ffox William ffox Mary ffox in all ffoure Rights

William Bartlett has proved his rights being Wm Bartlett Senr Elizabeth Batlett William Bartlett Junr Thomas Bartlett Michael Bartlett in all five Rights

Robert Beasley has proved his rights being himselfe Sarah Beasley his wife James Beasley Johanna Beasley Richard Chestone Sarah Chestone in all Six Rights

ALEX^{r} LILLINGTON
CALEB CALLAWAY
JOHN BARROW
THO LEPPER

AT A COURT HOLDEN Y^{e} 7th OF AUGUST ANN^{o} D 1694

Psent Majo^{r} Alexand^{r} Lillington
Mr Henry White
Mr Thomas Lepper
Mr John Barrow
} esq^{r}

Jurors Names Mr John Porter Junr Mr Patrick Kenady Mr Arthur Karlton, Mr Geo Branch Mr Isaac Rowden Mr Anth^{o} Dawson Mr John ffendall Mr Jos Sutton Mr Isaac Wilson Mr John Wade Mr John Mason Mr John Bentley

A Bill of sale acknowledged in Court by James Johnson and his wife to Capt Relfe ffletcher.

Ordered that Cornelius Lerry doe make his appearance at the next County Court then and there to make his defence ag^{t} a petition of John Bentley

In an action of ye cace referred ye Jury ffoll. the Jury finds for the Plan^{tf} wth cost alias execution ffoster: ag^{t} Hopkins

A deed of Gift acknowledged in Court by Ann Parish formerly Jacocks and John Parish her husband to her son John Huffton.

HOPKINS ver BURROUGHS

In an action of the case no cause of action appearing Ordered a nonsuite.

STANLEY ver TOMEY

In an action of debt by Bill: an acc^{t} appearing ag^{t} the bill & sworn unto by the defend^{t} ordered a nonsute.

KING ver WILLIAMSON

In an action of ye case it was agreeed upon by the Plan^{tf} and defend^{t} that Capt Antho. Dawson & Mr Stephen Mannering doe andite and fully determine the matter betwixt ye plan^{tf} and defend^{t} and if they cannot agree wthin them selves then the arbitrators to Chuse an umpire who shall make a finall determination in relation to ye condition exhibited to ye Court who fine due to Mr King 876℔ of tobacco and all things cleare betwixt them ordrd that Richd Williamson pay 676℔ Tobacco wth Cost alias Execution.

Articles of agreem^{te} acknowedged in Court by John ffoster and Stephen Pane to be their voluntary act and deed:

BELMAN ver MANNERING

In an action of ffalse Molestation there being an error in ye declaration. Ordered a nonsuite.

The Court adjourned till tomorrow morning.

Thomas King being Indited for felloniously stealing seve^{ll} Goods from Mrs Diana ffoster and others referred to ye Grand Jury Jurors names as followeth Mr John Porter Junr Mr Stephen Manwering Mr Robert Brightwell Mr John Hopkins Mr Christo^{r} Butler Mr Henry Norman Mr Patrick Henley Mr John Belman Mr Andrew Reede M^{r} Wm Butler Mr Michael Conner Mr Geo: Mathews Mr Robert Mulline. The Grand Jury went out and brought in their verdict Ignoramus:

Mrs Diana ffoster hath given unto Wm Willoughby a Cow and Calfe ye marke is an over keele and under keele on ye left ear & a cropp & foure slitts on ye right ear to him and his heirs for ever

HARTLY vers GASKIN

In an action of Trover & Conversion. Ordered to be referred to the next Court

Thomas Hassold enters one hundred and fifty acres land lying in Pequimons River on ye N. Est side of ye River betweene ye land of Mr Saml Pricklove and Thomas Attoway

A petition exhibited to ye Court by Eliza Arnold shewing that her husband Lawrence Arnold left his estate to his son John Arnold to be enjoyed at 13 yeares of age but being uncapable to mannage it by reason of his tend^r^ yeares prayeth to chuse Jonathan Bateman for his Guardian: Ordered y^t^ Jonna: Bateman be his Guardian and that his Mother doe bring in an Inventory of all the s^d^ estate to ye next Court.

Upon a petition exhibited by Jabell Alford praying to have liberty to chuse a Guardian. Ordered that the said Jabell Alford be bound to Mrs Susanna Hartley Widow untill he be one and twenty yeares of age & that ye said Mrs Hartly be bound and enter into bond to learne him the trade of a Carpenter or Joyner w^th^in ye said time.

Upon a petition exhibitted by Thomas Hassold shewing y^t^ a child named Thomas Snoden was left wth him by his ffather in Law Edmund Pirkins upon condition to pay him 600 pounds of Tobacco ℔ ann° for his Dyatt Ordered y^t^ the said Thomas Snoden serve the said Hassold untill his ffather in Law come for him or els till he arrive at ye age of twenty one yeares

A deed of conveyance from Capt Henderson Walker to Edward Wilson ye 8° of Augt 1693

A deed of Conveyance from Daniel Oneale to Christopher Butler acknowledged in Court ye 8th of Augt 1693

HARTLEY vers COBB

Upon an attachm^te^ ag^t^ the estate of Thomas Cobb upon ye acco^tt^ of Mr Thomas Slaughter ye evidence not appearing referred to the next Court

Wm Gaskin enters for his son W̄m̄ Gaskin two cowes over halfe on ye right ear and a cropp & a slitt on ye left eare & one cow slit on both eares.

HENRY WHITE
JOHN BARROW
THO. LEPPER

AT A COURT HOLDEN AT Y° HOUSE OF Mrs DIANA FFOSTER THE FFIRST MUNDAY IN NOVEM^br^ BEING Y° 6th DAY OF THE MONETH 1693 [1694]

Present { Alexander Lillington, Caleb Calloway, John Barrow, Thomas Lepper } esq^rs^

STEPHENS vers TOMES

In an action of defamation referred to y° Jury ffo: Jurys names Mr Patrick Henley: John Twegger Isaac Rowden, William Jennings Rowland Buckley Christo^r^ Butler Cornelius Lerry: Rich: Cragg Nich° Crisp Stephen Scott Junr Mr John Reyley Nich° Symons the Jury finds no cause of action Ordered y^t^ Tho: Stephens pay all costs alias exec^n^

A Bill of Sale acknowledged in Court by Wm Bartlett to Wm Godfrey

A Bill of Sale from Wm Godfrey to Wm Bartlett Senr was acknowledged in Court

A Bill of sale acknowledged in Court from Jn° Hawkins to Wm Bartlett Senr

A Bill of sale acknowledged in Court from Wm Bartlet to Wm Godfrey.

A Letter of Attorney proved in Court by the oath of Wm Duckinfield & John Reyley from Henry Lyle and his wife.

A deed of Gift acknowledged by John Reyley from Henry Lyle to Mr Duckinfield in behalfe of John Jones.

WADE vers SCOTT JUN^r^

In an action of ye Case referred to ye Jury ffoll the Jury finds for ye plain^tf^ wth cost of sute and that Stephen Scott pay unto Jn° Wade six pounds and have ye Mare & coult where ever to be found he paying all cost alias Execution.

Upon an attachm^t^ laid by Mrs Susana Hartly on ye estate of Thomas Cobb for eight pounds wch being proved Ordered the s^d^ Labour done on ye s^d^ land be praised by Patrick Henley & Stephen Scott Junr and if they cannot agree between themselves then to chuse an umpire who shall make a finall determination

A deed of Sale acknowledged in Court by Jn° fflowers & Susan his wife to Tim° Clare.

A Warr^tt^ of Attorney to Mr Wm Glover proved by the oath of Peter Gray: ffro Stephen Paine & John ffoster

TOMES vers MUSCHAMP

In an action of ye cace for want of evidence ordered A Nonsuite & that the plan^tf^ pay all Cost

A Caveat entered ag^t^ the estate of Mrs Stewart by Coll^ll^ Wm̄ Wilkeson & Capt Henderson Walker for about seven p^d^ fourteen shillings by Bill under hand and seale

Ordered y^t^ Mrs Anne Stewart have letters of Administracon and y^t^ Mr Caleb Calloway & Mr John Barrow be appraisors of the s^d^ Estate and y^t^ an Inventory of ye s^d^ Estate be returned into ye office upon oath

TOMS vers TAYLOR

In an action of ye case referred to ye Jury ffoll ye Jury finds for ye plan^tf^ ye whole acco^t^ abating 1£ 12s 00d out of the acco^t^ the whole acco^t^ being 26: 08: 10d.

A Bill of Sale acknowledged in Court by Mr Dan^ll^ Akehurst to ye Honeb^le^ Seth Sothell in behalfe of Mr Samuel Hill of Virginia and Mary his wife

DEVILLARD vers BELL

In an action of ye Case referred to ye Jury ffoll: ye Jury finds for ye plan^tt^ 3£: 14s: 10d Ordered Mr John Bell pay to Jacob Devillard the sum abovesaid wth Cost alias Execution

Upon a petition exhibited to ye Court by Mr John Hunt praying y^t^ Mrs Ann Durant deliv^r^ all Books papers and writings belonging to the estate of Mr Wm Terrell Disceased Ordered y^t^ the s^d^ Mrs Ann Durant doe forthw^th^ deliver to Mr John Hunt surviving executor of Mr Wm Terrills estate all papers bookes and Writings belonging to Mr Wm Terrel's estate

Upon an agreem^t^ made between Mr Richd Pope & Mr Jacob Devillard to Joyne Issue wherupon ye Jury went out and found for ye afores^d^ Mr Richd Pope ye Horse wth Cost Ordered that the afores^d^ Mr Pope have ye Horse wth Cost alias Execution.

HUNT, vers MAYO ATTOR TO J. GIBBS

In an action of ye cace referred to ye Jury ffoll: the Jury finds for ye plan^tf^ six pounds wth Cost Ordered y^t^ Edward Mayo Attorney to Jno Gibbs esq^r^ pay to Jno Hunt the s^d^ sume of six pounds wth Cost alias Execution.

CHAMBERS vers BROWN

In an action of ye Cace no Evidence to the Lett^r^ of Attorney appearing ordered a refference

LOWTON vers POLLOCK

In an action of ye cace ye Plantf not being prepared to come to a tryall ordered a nonsuite wth Cost.

A Will of Zachary yerkin proved in Court by the oaths of Mr Wm Glover & Wm Keeto:

A Bill of enditem^te^ was Brought ag^t^ Wm Shreenes and presented to ye Grand Jury ye Grand Jury finds Billa vera ye Petty Jury was sent out & found ye Priso^r^ guilty of Petty Larceny & so returned ye Bill whereupon he was ordered by the Court to have 30 lashes upon his naked back stript to his wast & sevearly Whipt and be bound to serve for his Phees one yeare and half from this day 9^hrs^ 9th to his Mr John Hatton besides his former Indenture of ffive yeares

POPE vers PHILPOTT

In an action of ye cace referred to ye Jury ffoll the Jury finds for ye plan^tf^ nine p^ds^ foure shill and two pence

Ordered y^t^ the defendt pay to the plan^tf^ nine p^ds^ four shillings & two pence wth Cost alias Execution

Alexand^r^ Lillington esq^r^ enters a caviat ag^t^ the estate of Jno Crosland for twenty two shillings in porke by Bill.

Caleb Calloway enters a Caviatt ag^t^ the s^d^ estate for for 7^s^ 3^d^ in porke & ½ of a Bore Barrow

Mr Thomas Harvey enters a Caviat for ———

Mr Thomas Gillam enters a Caviat for 8£ by acco:

Ordered y^t^ the estate of John Crosland be X Romane in ye hands of Xtopher Butler untill ye next Precinct Court in Chowan.

Ordered y^t^ Wm Mancell & Mary his wife be paid for eight days attendance comeing and going to Court being summoned by Phillip Thomas.

The Court Adjourned till tomorrow
Morning seven a clock

Ordered y^t^ John Reyley being sum^d^ by Mr Tho: Lowton be paid for 3 days attending ye Court & one day comeing and one day goeing:

Ordered y^t^ Tho: White be paid for 3 days attendance and one day coming & one dayes going being summoned by Edmond Chambers:

A Bill of enditem^te^ was brought ag^t^ Robert White & Vincent White his son & presented to ye Grand Jury The Grand Jury finds Billa vera The petty Jury was sent out and they brought their verdict they found ye prisoners guilty of Grand Larceny & they craved the Benefit of ye clargey wch being granted Ordered that they be branded in ye hand wth the letter T: upon ye Brawn of ye left thumbe wch was executed accordingly on Robt White; ye other reteined to long^r^ Time or be delivered by the Palatines Court

A petition exhibited by David Prichard Junr being summoned by Matthew Kelly as an evidence attended the Court 4 days & a day comeing & a day goeing ordered y^{t} ye s^{d} David Prichard be paid accordingly.

A petition exhibited by Wm̄ Joy being summoned by Matthew Calley & has attended 4 dayes on ye Court & a dayes coming and a day going.

Ordered y^{t} the s^{d} Joy be paid accordingly.

A Petition exhibited by Phill Evins being sumoned by Matt Callin & has attended ye Court 4 dayes & a day coming and going. Ordered y^{t} the s^{d} Phill: Evins be paid accordingly.

GILLAM vers SMITHICK

In an action of the Cace ye Jury being sent out and returning their verdict for ye Plan^{tf} the defen^{t} craves an Injunction

TOOMEY vers PEADE

In an action of Debt by Bill referred to ye Jury ffoll: the jury finds for ye plan^{tf} Ordered that Timo: Pead pay unto John Toomy thirty shill in porke wth Cost alias Execution.

Susana Harris enters for her daughter Sarah her proper Marke a crop & two Slitt on ye left ear & an over keele & an under keele on ye Right ear.

Augustine Scarbrough enters 300 acres of land on Powell Point Neck

PALIN JUN^{r} vers PRICHARD JUN^{r}

In an action of ye case referred to ye Jury ffoll: Jurors names

The jury finds for ye plan^{tf} 3: 10: 4 Ordered that ye defend^{t} pay unto the plan^{tf} 3: 10: 4^{d} wth cost alias Execution.

A Petion exhibited by Robt Kitchin praying that he may have a Writt of Restitution for his goods wch were taken from him by Robt White & his son Vincent White Ordered y^{t} the goods be delivered accordingly.

A petition exhibited by Dan^{ll} Travis & his wife being sum̄ond by John Toomy who attended ye Court 4 dayes and a day coming & a day going each of them for wch he humbly pray an Ord^{r} for ye same wch is ordered accordingly

Upon a petition exhibited by John Hatton praying a Writt of Restitution for his goods. Ordered that ye s^{d} John Hatton have his goods restored to him again according to ye petition

Upon a Petition exhibited by Tho: Twidde being summoned by Matt Callen hath attended 4 dayes & and a day coming & a day going for wch he is ordered paym^{te} by the Court

Upon ye prayer of John Wilson being summoned as an evidence for Matt Callen attending 4 dayes & was a day coming and a day going Ordered y^t^ he be paid accordingly

Robert Mulline made oath that Robert White made an acknowledgm^te^ to him y^t^ he owed Mrs Ann Durant three pound odd money.

Received this 9th of Novemb^r^ 1669 of Hugh Smithick for three leveyes two hundred seventy nine pound for Two yeares quitt rents two hundred p^d^ I say Received ℔ mee

Henman Smewing

Received more 150^lb^ of Thomas Hoskins acco^tt^ for Henman Smewing.

Know all men by these presents that I Elizabeth Banks of London Widow have ordained appointed and made & in my stead and place by these presents put & constitute my beloved friends ffrancis Tomes & John Hawkins my true and lawfull attorney for me and in my name and to my use to ask sue for levy recover and receive all such sum and sums of Money & other ye matter Goods and things in the scedule hereunto annexed mentioned as are due and belonging to mee from Mr Seth Sothell ye now or late Govern^r^ of Carolina & w^oh^ are due owing or belonging or ℔teyning unto me by any manner of wayes or meanes w^t^soever from any ℔son or ℔sons w^t^soever: Giving and Granting unto my said Attorneys by these p^r^sents my full and whole power and authority in and about the p^r^mises & upon rec^t^ of such sum̄ or sum̄s of money or other matters or things acquittances or other discharges for mee and in my name to doe make seal and deliver & all and every other act acts thing and things in ye law w^t^soever needful and necessary to be done in and about ye premises for ye recovery thereof: for me and in my name to doe execute and performe as fully largely and amply in every respect to all intents and purposes as I myselfe might or could doe if I were ℔sonally present. And I doe hereby firther constitute and appoint the said ffrancis Tomes and John Hawkins my lawfull Attorney for me and in my name & in my stead to enter into & upon all y^t^ my plantation in Carolina and other the stock and goods thereunto apperteyning & to me belonging and full and peaceable possession & S . . . . in thereof for me and in my stead and name & to my use to take receive reteyne and keepe & to sell lett & dispose thereof as to them shall seeme Meete for my use benefitt and advantage Giving and granting by these p^r^sents unto my s^d^ Attorneyes my full power and authority in and about ye p^r^mises & all and every acts things w^t^soever needfull and necessary to be done in and about ye p^r^mises for mee and in my name to doe execute and ℔forme in as large ample maner and forme to all intents and purposes as I my selfe might or could doe if I were ℔sonally p^r^sent Ratifying alowing and holding ffirme & stable

all w^t^soever my s^d^ Attorney shall lawfully doe or cause to be done in or about ye Execution of ye Premises by virtue of these p^r^sents In witness whereof I have hereunto sett my hand and seale ye 17th day of December Anno Do 1693

ELIZABETH BANKS [Seal]

Sealed and Delivered in ye p^r^sence of
PHILL LUDWELL
THO. HUNT

Proved before us by the oath of Mr Tho: Hunt ye 17° of May 1690
THO: HARVEY
Wm̄ W . . . . .

Albemarle

To all to whom these presents shall come, Wee Stephen Pane and John ffoster of the p^r^cinct Pequimons send greeting Whereas ye said Stephen Pane and John ffoster have by our deed of Sale beareing date ye 2^d^ day of 7^br^ Ann Do 1693 Bargained assigned and sold unto Alexand^r^ Lillington of the same p^r^cinct esq^r^ a certaine plantation & tract of land lying in yeopins Creeke in ye p^r^cinct aforesaid as in and by the said deed relation thereunto being had more at large doth appear now Know ye that we ye said Stephen Paine and John ffoster doe by these p^r^sents. Ordaine Constitute and appoint our trusty and well beloved friend William Glover of the p^r^cinct aforesaid our lawfull Attorney for us and in our names & stead and on our behalfs to appear at any Court to be holden for this County and then and there in our name and behalfe to make acknowledgmen^te^ of the aforementioned deed of sale & to act and doe any and every such lawfull act and thing for ye strengthning and confirming of ye said deed of Sale unto the s^d^ Alexand^r^ Lillington his heires and assigns as ye law doth require and wee doe hereby rattifie and confirm every such lawfull act as our said Attorney shall herein doe to be good and firme in law as if wee the said Stephen Paine and John ffoster had in our own proper person acted done and performed the same. In witness whereof we have hereunto put our hands and seales ye 4th day of 8^brs^ Anno Do 1693

Signum
++
STEPHEN PANE (seal)
JOHN FFOSTER (seal)

Signed sealed and delivered in p^r^sence of
PETER GRAY
JOHN COOKE

Proved in Court ye 7th of Novemb^r^ 1693 by the oath of Peter Gray attested ℔ Edward Mayo Cler

ALEXAND^r^ LILLINGTON
CALEB CALLOWAY
JOHN BARROW
THO: LEPPER

GENERAL COURT RECORDS.

ALBEMARLE—ss.

At a Gen^{ell} Court holden for this Countie of Albemarle at the house of Mr Thomas White on Munday the twenty fourth of Sebtember Ano D^{ni} 1694

P^{rsnt} The Hon^{ell} Thomas Harvey esq^{r} Deputy Govern^{r} &c:

The Hon^{rble} ffrancis Tomes, Benjamin Lakar Maj^{r} Saml Swann, Danl Akehurst Secst esq^{r} Lords Deputys. Mr John Durant Assistant

Mr Patrick Henley by his peti$\bar{c}$on shewin y^{t} a certain plantac̄on whereon the peti$\bar{c}$oner liveth is Excheat to y^{e} Lords proprieto^{s}

Ordered that a warrant be issued out to their Lordships Escheatm^{r} to inquire into the premises

Major Alexander Lillington and Mad^{m} Susanah Heartley having obteined an attachment against y^{e} estate of Capt George Clarke upon the accounnt of an order passed agst them for and that the s^{d} Alexander Lillington and Coll Heartley was attorneys of the s^{d} George Clarke att the sute of Coll. Wm Wilkerson for the sume of thirty five pounds nineteen shillings due from the s^{d} Clarke to the s^{d} Coll Wilkison

It is the opinion of the Court that they being Attorneys of the s^{d} Clarke might lawfull dispose of any effects of the s^{d} Clark's in their custody for the paym^{t} of his just debts wthout any such precepte in law or judgment thereon agst the s^{d} estate.

Ordered that all other matters returned to this day be referred till the morrow being the 25th of this instant September

The Court adjourned untill tomorrow seven of the clock in the forenoon.

Tuesday ye 25th ye Court meet & p^{sn} wth ye afores^{d} Cap Dawson Thomas Philips attached to answer Mr Rich Plater in a plea of Debt The Marshall returned Non est inventus

Ordered that the sute be dismissed

Georg fferdice upon his oath proveth that he hath right to two hundred and fifty acres of land by the importac̄on of George fferdice George ferdice his wife Mary his wife Sarah and Hanah fferdice his daughter

Ordered that a certificate thereto be made to the Secretary's office

W$\bar{m}$ Plater upon his oath proveth that he hath right to two hundred acres of land by the importac̄on of Wm Plater Martha. Grace and Thomas Plater.

Ordered that certificate thereto be made to the Secretarys office.

Robert Penniwell is attached to answer Anne Cartwright in a plea of Debt and he came not neither the s^{d} Anne Cartwright whereupon it is dismissed.

John Bentley was attached to answer Cornelius Lerry in a plea of the Case and the s^{d} Bentley upon default of the appearance the Plantif craves a nonsute and Mr Rich. Plater in behalf of the plantif assumes that upon condic̄on that the s^{d} Bentley would consent to a reference of the action untill the afternoon the s^{d} Cornelius Lerry should deliver to ye s^{d} John Bentley a coppy of his acc^{t} before tryall to which ye s^{d} Bentley assents and the Court thereupon in mercy to ye s^{d} Cornelius Lerry Ordered that ye hearing of ye action be referred untill the after noon

Rich. Plater being attached to answer ffrancis ffoster in a plea of debt for and that the s^{d} Rich. Plater refuseth to render to the plantife the sume of six pounds in porke wch to the plantif he oweth. And the s^{d} Rich. Plater came and upon default of the plantif craves a non sute. Ordered that the s^{d} Action fall and that the s^{d} ffoster pay cost.

John Wilson attached to answer Thomas White and Diana his wife in a plea of the case. And the s^{d} Thomas White and Diana his wife came and say that the s^{d} John Wilson is indebted to the plantifs ye sume of eight pounds five shills. and seven pence by account contracted w^{t} the s^{d} Diana one of the plantifs whilest she was sole which account they produce in Court and the said John Wilson in his proper person came and desireth oyer of the s^{d} acc^{t} wch being read he saith that as to the sume of one pound nine shillings and five pence part of the s^{d} acc^{t} he cannot deny but he oweth but for the rest he saith he oweth not and this he disireth may be inquired of by the Country wherefore the Provst Marshall or deputy is comanded to cause to come here twelve true and lawful men of the vicinage and who to neither of the partys are any wayes related by whom the truth of the matter may be knowne who being impanelled and sworne

Namely

John Stepney Foreman	John Twegger
Wm Bournsby	ffrancis ffoster
John Mason	Wm Raymond
Wm̄ Vos	Charles Dickison
Nicholas Symons	Mathias Towler
James ffewox	ffrancis Hendrick

say upon their oath. We find for the plantif the sume of eight pounds five shillings and seaven pence Ordered that the s^{d} John Wilson pay to the s^{d} Thomas White and Diana his wife the sume of eight pounds five shillings and seven pence with cost of sute a^{ls} Execution.

Cornelius Lerry is attached to answer Thomas White and Diana his wife in a plea of the Case and they came and say that the s^{d} Cornelius

Lerry is indebted to the plantifs the sume of sixty seven shillings and one penny by acc^{t} contracted wth the s^{d} Diana one of the plantifs whilest she was sole wch acc^{t} they produce in Court and the s^{d} Cornelius Lerry came and defendeth the sute and saith that he oweth not the s^{d} sume of sixty seven shillings and one penny as by the Plantifs is declared and this he desireth may be inquired of by the Country Wherefore the Provst Marshall is required to cause to come twelve true and lawfull men of the vicinage and who to neither of the partys are in any wayes related by whom the truth of the matter may be knowne who according impanelled and sworne

John Stepney foreman

John Twegger, Wm Bournsby, ffrancis ffoster John Mason, Wm Raymond, Wm Vos, Charles Dickison Nicholas Symons Matthias Towler, James ffewox, ffrancis Hendrick, say upon their oath. We of the Jury finde for the plantife three pound seven shillings and one penny in porke with costs.

Ordered that the s^{d} Cornelius Lerry pay to the s^{d} Tho. White and Diana his wife the sume of three pounds seven shillings and one penny in porke wth costs alias Execution.

Rich. Bentley was attached to answer Cornelius Lerry in a plea of the case and the s^{d} Richard Bentley came and also the s^{d} Cornelius Lerry and also the s^{d} Cornelius Lerry and the s^{d} Cornelius Lerry saith that the s^{d} Richard Bentley oweth to the Plantif the sume of two pounds one shilling and three pence by acc^{t} and the s^{d} Richard Bentley defendeth the sute & craveth oyer of the s^{d} acc^{t} wch being read the s^{d} Richard Bentley saith that as to the five yards of Woolen cloth in ye acct expressed at the rate one pound he oweth not for and Because ye s^{d} cloth he received upon the account of his ffredome cloths whereof he maketh oath and the article of three moneth Dyet at the rate of eight shills and four pence the moneth upon his oath he saith ought by agreement to have been charged at the rate of four shillings and two pence the moneth the rest of the acc^{t} he acknowledgeth to be just but that he hath discount of the sume of eight shilling and six pence all wch he prayeth may be inquired of by the Country Wherefore the Provst Marshall is commanded that he cause to come here twelve true and lawful men of the vicinage and who to neither of the partys are any ways related by whom the truth of the matter may be knowne who being impanelled and sworne

Namely Mr John Barrows foreman

Evidence sworne for the defendt. viz John Bentley	John Halford, Wm Plater, Jonathan Bateman, Robert Moline, Wm Jackson, Ben Gidion, John Belman, Uriah Canon, Wm Gaskin, John Raper, Thomas Gillam

say upon their oath we of the jury finde for the plantif eight shillings and six pence wth costs Ordered that the sd Rich Bentley pay unto the sd Cornelius Lerry eight shillings and six pence wth costs of snte

Court adjourned untill one of the clock in the afternoon

25 Sept 1694

Tuisday in the afternoon September the 25th the Court meet and and are prsent

The Honrbl Thomas Harvey esqr Deptv Goverr &c and the Deputys and assistants aforemencōned

Thomas Hawkins arrested to answer Majr Alexandr Lillington Attorney of John Wright of Virginia in a plea of Debt and the sd Lillington appears and produceth his letter of Attorney from the sd Wright and in behalfe of the sd Wright saith that the sd Hawkins is justly indebted unto the sd John Wright the sume of sixty three pounds fourteen shillings and he produceth a bond under the the hand and seal of the sd Hawkins and Alis Davis Widdow and the said Hawkins came not and Capt Henderson Walker Surety for the sd Hawkins appearance assumes that he the sd Hawkins shall appear at the next Genll Court to be holden for this County to answer the said complaint.

Ordered that the sd Capt Henderson Walker Surety shall as aforesaid have here the body of the sd Thomas Hawkins at ye next Genll Court as afores^{d} to answer the plaint as afores^{d} otherwise judgment to pass against him for the sd Debt.

John Bentley attached to answer Cornelius Lerry in a plea of Detinue and the sd Lerry came in his proper ꝑson and saith that at the request of the defendt he the sd Lerry severall Chattles to the sd John Bentley defendt did lend on condicōn to be returned upon demand restitucōn whereof the sd Bentley denyes to ye Plantifs Damage fifty shillings and the sd John Bentley appeareth and by his Attorney Capt Henderson Walker defendeth the Injury and saith that the plantif the sd Chattells to the defendant did not lend as the plantif in his declaracōn alleigeth and this he desireth may be inquired of by the Country wherefore the Marshall is comanded that he cause to come here twelve true and lawful

men of the vicinage and who to neither of the partys are related by whom the truth of the matter may be known who accordingly impanelled and sworne

Namely John Stepney foreman

Evidence Sworne for plan^{t}		
	Wm Crag	Henry Creech
	Jno Twegger	Wm Bournsby
James ffewox	Jno Mason	Wm Raymond
Rich Bentley	Wm Vos	Charles Dickison
	Nicholas Symons	Mathias Towler
		ffrancis Hendrick

say upon their oath we of the Jury find noe Cause of Action. Ordered that the sute be dismissed and that the s^{d} Lerry pay costs of sute

Mr ffrancis Parrot by his peticon shewing that he being sumoned an evidence for the plantif in an action between ffrancis ffoster plantif and Rich. Plater defendt hath attended on this court two days and was three days coming and goeing

Ordered that the s^{d} ffrancis ffoster pay to the s^{d} ffrancis Parrot ye sume of ten shillings als execution.

John Bentley attached to answer Cornelius Lerry in a plea of the case and the s^{d} Cornelius Lerry came and said that the s^{d} John Bentley owed to ye plantif ye sume of sixteen pounds four shillings and ninepence by acc^{t} And the s^{d} Bentley by his attorney Capt Henderson Walker sayeth that to ye s^{d} action he ought not to answer for and because ye s^{d} Cornelius Lerry hath in contempt of the rule of this Honble Court in favour of the s^{d} Cornelius Lerry made in the forenoon hath denyed to deliver a coppy of his acc^{t} to the defend^{t} before tryall and craveth a nonsute

Ordered that the s^{d} action fall and that the s^{d} Cornelius Lerry pay costs.

Alexander Lillington esq^{r} proves a letter of Attorney to him directed from Wm Duckenfield esq^{r} by the oath of Wm Glover.

Mr Patrick Henley arrested to answer Wm Duckenfield esq^{r} in a plea of case and the s^{d} Patrick Henley came and Alexander Lillington Attorney of the s^{d} Wm Duckenfield saith y^{t} he is not informed what in the case to say and the s^{d} Henley craves a nonsute

Ordered that the s^{d} action fall and that the sd Wm Duckenfield pay cost of sute

Thomas Hassold attached to answer Thomas White and Diana his wife in a plea of the case and the Plantifs say that the s^{d} Hassold unjustly detaineth certaine writing acc^{ts} and bookes relating to contracts and copartnerships had and made between the s^{d} Diana one of the Plantifs

while shee was sole and the s^{d} Hassold. And the s^{d} Hassold defendeth the injury and saith that a reasonable acc^{t} thereof he is ready to render wherefor upon the humble prayers of both partys.

Ordered that the auditing of the accounts .and whole controversy in this action depending between the s^{d} Thomas White and Diana his wife plantif and the s^{d} Thomas Hassold Defended be wholy referred to the award of the Hon^{rble} Thomas Harvey Esq Deputy Govern &c and the Hon^{rble} Benjamin Lakar esq^{r} who are hereby requested to mak a full determinac̄on of the same and if need be make report thereof to the next Gen^{ll} Court.

The rest of the actions returned to this day are referred until tomorrow:

And the Court adjourned untill the Morrow eight of the clock in the forenoon.

SEPTEMBER Y^{e} 26th FFORENOON

Pr^{snt} The Hon^{eble} Depty Governo^{r} Thomas Harvey esq^{r} ffrancis Tomes Benjamin Lakar Maj^{r} Saml Swan Coll Thomas Pollock Danl Akehurst Sec^{r} esq^{r} L^{ds} Dep^{tys} Capt Anthony Dawson Mr John Durant assistants.

Mad^{m} Susanah Heartley attached to answer Patrick Henley in a plea of the case and the s^{d} Patrick Henley came and saith that the s^{d} Susanah Heartley as being Executrix of the last will and testam^{t} of Coll ffrancis Heartley dec^{d} is indebted to ye plantif ye sume of twelve pounds by account produced in Court. And the s^{d} Susanah Heartley by her humble petic̄on showeth that she being very sick canot appear to answer the s^{d} plan^{t} at this court and humbly craves day to be given to her till the next court.

Ordered that this action be referred to the next Co^{rt}

Juliana Taylor Widdow assumes upon herselfe in Court to answer a petic̄on of Mr Caleb Calaway and Benjamin Gidion shewing that the s^{d} Juliana Taylor had molested and hindred the petic̄oners in their lawfull proceedings in and about the surveying of a tract of Land to ye s^{d} Benjamin Gidion belonging lying on ye West side of Caslelons Creeke in Pequimons precinct And it appearing that the s^{d} Juliana Taylors claime being by an entry made upon land formerly seated was illegal. But by the consent and at the request of the s^{d} Benjamin Gidion in favour of the orphan John Taylor deceased

Ordered that the dividing line between the s^{d} Benjamin Gidion and the s^{d} Orphan shall begin about the length of a chaine up the swamp from a little house built upon Alexander Speeds labour and shall run paralel wth Cornelius Lerrys side line

Upon peticon of John Wilson of Pascotank shewing that John Gibs esq^{r} owed to ye peticoner lawfull allowance for four days attendance and one day coming and one day goeing at a court in ye year 1693 att ye request of Mr Edward Mayo Attorney of the said John Gibs

Ordered the s^{d} Edward Mayo Attorney of the s^{d} Jno Gibs pay unto the s^{d} John Wilson ye sume of thirteen shills and four pence Als Execu^{t}

Of ye estate of Wm Sprag one cow and calfe in the hands of James Thigpen and one steer in the hands of John Lilly attached upon the complaint of John Stepney. And the s^{d} John Stepney came and saith that the s^{d} Wm Sprag is indebted to the s^{d} John Stepney in the sume of twenty six shillings by Bill under the hand of the s^{d} William Sprag wch he proveth by the Oaths of Christop^{r} Butler and Caleb Callaway. And the s^{d} James Thigpen came and says that the cow and calfe attached in his hands are not any part of the estate of the s^{d} Sprag but that they are the proper estate of him ye s^{d} James Thigpen wch he proves by the oaths of Rich Willard and Anne Willard.

Ordered that the s^{d} cow and calfe be delivered to ye s^{d} Thigpen clear of this attachment wth cost. And Christopher Butler alsoe came and saith that ye s^{d} steer attached as afores^{d} and all other goods or Chattell & estate of the s^{d} Wm Sprag doe now properly belong to the s^{d} Christopher Butler and he produceth a bill of sale from the s^{d} Wm Sprag wch he proveth by the oath of Wm Charleton and for want of further evidence day is given to the s^{d} Christopher Butler and thereupon this and all other attachments against the estate of the s^{d} Wm Sprag are referred to ye next Court.

The Provst Marsh^{l} or deputy is required to attach ye Body of Mary Lamb Administrator of y^{s} goods and chattells of Joshua Lamb dec^{d} to answer ye plaint of M^{r} Wm Collins of this county in a plea of Debt And the provst Marshall saith that she is not in this County to be found and she came not and the s^{d} Wm Collins came and saith that the s^{d} Mary Lamb qualified as afores^{d} is indebted unto ye plantif ye sume of ten pounds sterling wch he desireth to be inquired of by the Country Wherefore the marshall is required that he cause to come here twelve true and lawfull men of the vicinage and who to neither of the partys are any wayes related by whom the truth may be found who impanelled and sworne viz John Stepney foreman, Wm Charleton, John Holford James ffewox Thomas Gillam Jno Lilly, Jno Bentley, Jno Tweger, Nicholas Symons, Robert beasley, Leon Loften, Patrick Keniday say upon their oath we finde for the plantif fifteen pounds in porke

Order^{d} That attachment be granted against the estate of the s^{d} Joshua Lamb to satisfy the s^{d} sum of fifteen pounds in porke wth Costs of sute.

Upon petiĉon of Thomas Welch Servant to Mr Joseph Comander praying to be discharged from his servis And he produceth in Court his indenture by wch it appeares that the time of his service ought to comence from his first arrivall in Ashley River it being part of this Province of Carolina

Orderd that the sd Thomas Welsh be diseharged emediately from his sd masters service

Thomas White and Diana his wife attached to answer Thomas Hassold in a plea of the case and the sd Hassold came in his proper person and saith that the sd Thomas White and Diana his wife oweth to the said Thomas Hassold the sume of twenty one pounds nineteen shills. by acct and contracts had and made between the plantive and the sd Diana one of the defendants whilest she was sole and the sd Thomas White and Diana his wife eame and defend the Injury and say that that noe such aeeounts and contracts was made between the sd Diana one of the defendts and the plantifs as by his declaraĉon the plantif hath alleged and the sd Hassold produceth his aects in Court and the defendant saith to ye charge of twelve pence by the pound for keeping the books is not according to agreemt and that the charge for casting up the old books was not according to agreemt and that the totall of the debts by the sd Thomas Hassold given and whereupon the wages of the sd Hassold charged in the act was assessed is given in to be greater than the reall accounts of the sd booke amounted to And the sd Thomas Hassold upon his oath declares that the totall sume given by him & upon wch he hath assessed his wages is the true and real sume of the Debts in the booke above menĉoned contained, And further saith that the Charges abovesd for the keeping and easting up the booke abovesd are according to agreemt and this he desireth may be inquired of by the country Wherefore the Marshall is required that he cause to come here twelve true and lawfull men of the vieinage and who to neither of the partys are any wayes related by whom the truth of the matter may be found who being impanelled and sworne viz Jno Stepney Wm Charleton, James ffewox, Jno. Lilly, Jno Bentley, Nicholas Symons, Mr Nicholas Daw, Robert Beasley, Leonard Loften, Patrick Keniday, Thomas Clark Henry Palin, say upon their oath we finde for the Plantif thirteen pounds six shillings and two pence

Ordered that the sd Thomas White and Diana his wife pay to the Plantif ye sume thirteen pounds six shills and two pence wth costs of sute.

James ffewox proveth his rights to land by the impor. of Rich Bachelor and John Haswell John Halford by his peticon shewing that he being sumoned to give his evidence for Thomas Hassold in an action aginst Thomas White and Diana his wife hath attended three days and day comeing and day goeing

Ordered that the said Thomas Hassold doe pay unto ye s^d^ John Holford the sum of ten shillings and ten pence wth costs of this order John Tweger by his pectic̄on craving judgem^t^ according to law for three days attendance, & a day coming and day goeing being sumoned an evidence for Thomas Hassold in his action against Thomas White and Diana his wife.

Ordered that the s^d^ Thomas Hassold pay unto ye s^d^ John Twegger the sume of ten shillings and ten pence

Mr. Robert Wilson attached to answer Stephen Manwaring in a plea of Defamac̄on and the s^d^ Wilson came and craves time untill the next court for ye procuring of this evidence. Whereupon it is referred to ye next Court.

Wm Gascoigne by his humble petic̄on shewing that whereas it was provided by an act of assembly that a road should be laid out for ye inhabitants on the back of Winleys plantac̄on as conveniently as may be for the s^d^ inhabitants w^thout going through the cleared ground on the s^d^ plantac̄on Not with standing which the road is still continued through the cleared ground and orchard upon the s^d^ plantac̄on although a road may be found as convenient for the s^d^ inhabitants w^thout goeing through the s^d^ plantac̄on

Ordered that the Court of the precinct of Chowan cause a road to be laid out according to the s^d^ act and the proceedings therein be returned to ye next Gen^ell^ Court. The Court adjourned untill Thursday 7 of clock the fforenoon

THURSDAY SEPTEMBER Y^E^ 27 FFORE NOON

The Court Meet

Present The Hon^eble^ Thomas Harvey esq^r^ Dep^ty^ Govern^r^ Danl Akehurst esq^r^ Secret^r^ ffrancis Tomes Benjaman Laker Maj^r^ Saml Swann Coll Thomas Pollock esq^r^ L^ds^ Deputys Capt Anthony Dawson Mr Jno Durant assistants

Mr Willm̄ Gascoigne by his humble petic̄on shewing that the estate of Thomas Slaughter dec^e^ haveing been administered upon by Mad^m^ Susana Heartley hath been a great part disposed of w^thout any Lawfull apprisem^t^ to ye great p^r^judice of the creditors and orphans

Ordered that Mad^{m} Susana Heartley be sumoned to bring in an acc^{t} of the s^{d} Thomas Slaughter's estate to the next Court.

Stephen Manwaring attached to answer Robert Wilson in a plea of trespas of the case and the s^{d} Stephen Manwaring came and the s^{d} Wilson alsoe and both partys freely and voluntarily refere themselves to the judgm^{t} of the Court as well in the title of the land as alsoe in the assessing of damages and costs And the s^{d} Robert Wilson by his attorney Mr Richard Plater saith that the said Stephen Manwaring into one plantacon to ye s^{d} Robert Wilson belonging lying in pequimons p^{r}cinct adjoining on a certaine place called the long reach unlawfully hath entered and an house thereon built and the ground thereof broke up and severall other injurys thereon comitted though thereof forewarned whereof the plantif saith he hath damage of fifty pounds and the said Stephen Manwaring saith that in and to the s^{d} plantacon he hath entered as it was just and lawfull for him to doe for and because the s^{d} plantacon whereon the s^{d} trespas by the plantf. is aleged to be comitted is not as the plantif hath aleged the land of the s^{d} Robert Wilson but ye proper land of the s^{d} Stephen Manwaring and the s^{d} Robert Wilson produceth ye entry of the s^{d} land wth his receipts and quit-rents by him the s^{d} Wilson paid for the s^{d} land, And the s^{d} Stephen Manwaring by Capt Henderson Walker his attorney produceth his right and entry. And upon consideracon of the whole matter it appearing to the Court that Mr Stephen Manwaring's entry hath the priority

Ordered that the survey^{r} lay out for the s^{d} Stephen Manwaring six hundred and forty acres of land according to Capt ffletchers entry and y^{t} the land y^{t} shall be found between ye line to be laid out for the bounds of the s^{d} six hundred and forty acres of ye s^{d} Stephen Manwaring and Wm Lacy's line be surveyed for the s^{d} Robert Wilson and the survey thereof be returned to the first day of the next Cort that it may appear where the trespas lyeth.

Capt Thomas Relfe sworne Provst Marshall

Benjamin LaKar esq^{r} sumoned to answer James ffewox in a plea of trespas of the case And ye Hon^{rbl} Dep^{ty} Governor Thomas Harvey esq^{r} being nearly related to ye defend^{t} withdraws And James ffewox sath that the s^{d} Benjamin LaKar upon a certaine piece of land called Batts Grave or island certain hogs hath put whereby the plantifs corne thereon planted and growing hath been eaten up and destroyed whereby he is damnifyed ye sume of five pounds and the s^{d} Benjamin LaKar by his attorney Capt Henderson Walker saith that Jno Gibs esq^{r} had right to a parcel of land upon the

s^{d} island by labour thereon done and that Mr Edw. Mayo attorney of the s^{d} Jno. Gibs hath assigned unto the s^{d} Benjamin Lakar all the right and title of the s^{d} Jno Gibs in and to the s^{d} p^{r}cell of land upon the s^{d} island whereon it was just and lawfull for the s^{d} LaKar to put his hogs and that the plantif had not a good and lawfull fence about his s^{d} corne and this he desires may be inquired of by the country wherefore the Marshall is required to cause to come here twelve true and lawfull men of the vicinage and who to neither partys are anywise related by whom the truth of the matter may be found who being impanelled and sworne viz Thomas Garrett foreman Wm̄ Gascoigne, Jno Twegger, Wm̄ Bournsby, ffrancis Penrice Geo Mathews, James Thigpen, Tho. Stephens, Jno Holford Jno Previt, Jno Lilly Robert Moline say upon their oaths we finde noe caus of action

Ordered that the sute be dismissed and that the said James ffewox pay costs

Anne Stuart Senr proveth 6 rights viz four negroes one English serv^{t} and Virgill Simons.

Upon petic̄on of Mr Rich Plater a letter of Attorney from Mr Saml Shrimpton of New England to ye s^{d} Rich Plater proved by the Oaths of Mr John Blaney and Willm̄ Jarvis

Ordered to be recorded

John Tweger Wm̄ Lacy Tho. Stephens Nicholas Symons sworne evidences for the plantif in a plea of defamac̄on between Stephen Manwaring plantif and Mr Robert Wilson Defend^{t} now depending

Adjourned untill one of the clock afternoon

SEPTEMBER Y^{e} 27th AFTERNOON

The Court Meet

P^{rsnt} The Hon^{rble} Thomas Harvey esq^{r} Dep^{ty} Govern^{r} Danl Akehurst esq^{r} Secr^{t} ffrancis Tomes Benjamin LaKar Saml Swann Coll Thomas Pollock esq^{r} L^{ds} Dep^{tys} Capt Anthony Dawson & Mr John Durant assistants.

Patrick Henly bound over to answer Willm̄ Bournsby upon an appeal from a judgment given agst him the s^{d} Bournsby in the Court of the precinct of Pascotank. It appearing to the Cout that the s^{d} judgem^{t} be given upon a verdict of Jury the causes assigned by the s^{d} Bournsby are insufficient for the appeal

Ordered that the ten pounds adjudged by the precinct Court to be paid unto the s^{d} Henley by the s^{d} Bournsby be confirmed

And the s^{d} Bournsby appeals to their Lordsships Court of Chancery.

Ordered that the s^{d} Patrick Henley be sumoned to appear at their Lord^{sps} Court of Chancery to be holden on Thursday the twenty ninth of November next to answer the appeal of the s^{d} Wm Bournsby the s^{d} Bournsby giveing security to prosecute the same.

Wm Bray sworne Dep^{ty} Marshall

Nicholas Symons crave judgem^{t} for his lawfull allowance for three dayes attendance and a day comeing and a day goeing being sumoned to give his evidence for Stephen Manwaring in an action agst Mr Robert Wilson

Ordered that the s^{d} Stephen Manwaring pay unto the s^{d} Nicholas Symons ye sume of ten shillings and ten pence.

Robert Beasley sumoned to answer Stephen Manwaring in a plea of the case and the s^{d} Manwaring came and saith that the s^{d} Beasley refuseth to p^{r}forme a contract and assumption by him made for the sawing wth the s^{d} Manwaring or his serv^{t} five thousand five hundred foot of planke for the use of the s^{d} Manwaring upon consideracon three thousand five hundred pounds of tobacco wch was due from the s^{d} Robert Beasley to ye s^{d} Stephen Manwaring. But ye s^{d} Robert Beasley making it appear that the s^{d} action of the case now brought by the s^{d} Manwaring hath alreddy been tryed by the Country in several Cor^{ts} and found for the Defend^{t} Ordered that it be dismissed and y^{t} the s^{d} Stephen Manwaring pay costs.

George Harris sworne Deputy Marshall

Richard Bentley craves judgment for allowance according to law for his attending upon this Court one day and a day comeing and day goeing being sumoned by John Bentley to give his evidence in an action between Cornelius Lerry and y^{e} s^{d} John Bentley

Ordered that the s^{d} John Bentley pay unto y^{e} s^{d} Richard Bentley y^{e} sume of five shills and ten pence

W$\bar{m}$ Bentley craves judgem^{t} for allowance according to law for attending upon this Court one day and a day comeing and a day goeing being sumoned by Jno Bentley to give evidence in an action between Cornelius Lerry and the s^{d} Jno Bentley

Ordered that the s^{d} John Bentley pay unto the s^{d} W$\bar{m}$ Bentley y^{e} sume of five shillings and ten pence

Jonathan Ashford Craves judgement for allowance according to law for his attendance on this court one day and a day comeing and a day goeing being sumoned by Jno Bentley to give evidence in an action between Cornelius Lerry and the s^{d} John Bentley

Ordered that ye s^{d} John Bentley pay unto ye sd Jonathan Ashford ye sume of five shillings and ten pence

Jno Mason bound over to appear at this Court to answer Wm Bournsby in an appeal from judgment given upon a verdict of Jury in Pascotank Court against the s^{d} Wm Bournsby and the s^{d} John Mason appeareth by Mr Manwaring his attorney and the s^{d} Bournsby by Capt Henderson Walker his attorney

And the Court will hereof advice

Peter Grey sworne Deputy Marshall

Wm Lacy jun craves judgem^{t} for his allowance according to law for his attending two ds upon this Court and a day and a day goeing being sumoned by Mr Stephen Manwaring to give evidence for the s^{d} Manwaring in action between the s^{d} Stephen Manwaring and Mr Robert Wilson.

Ordered that the s^{d} Stephen Manwaring pay unto ye s^{d} Wm Lacy the sume of eight shillings and four pence

Joan Vos Craves judgm^{t} for Lawfull allowance for her attending upon this Court two days and day coming and day goeing being sumoned to give evidence for Mr Robert Wilson in an action between ye s^{d} Robert Wilson and Stephen Manwaring

Order^{d} that ye s^{d} Robert Wilson pay unto the s^{d} Joan Vos the sume of eight shills and four pence

Wm Vos craves judgm^{t} for allowance according to law for his attendance upon this Court two dayes and a day comeing and a day goeing being sumoned to give evidence in an action between Robert Wilson and Stephen Manwaring

Ordered that the s^{d} Stephen Manwaring pay unto the s^{d} Wm Vos ye sume of eight shillings and four pence

Patrick Keniday Craves judgem^{t} for allowance according to law for his attendance upon this Court two days and a day coming and a day goeing being sumoned to give evidence for Stephen Manwaring in an action between the s^{d} Stephen Manwaring and Mr Robert Wilson

Ordered that the s^{d} Stephen Manwaring pay unto the s^{d} Patrick Keniday the sume Eight shill & four pence.

Patrick Keniday craves judgm^{t} for allowance according to law for his attendance upon this Court two Days being sumoned to give evidence for Robert Wilson in an action between the s^{d} Wilson and the s^{d} Manwaring Ordered accordingly

John Holford craves judgm^{t} for allowance according to law for attending this court as an evidence for Tho. Hassold ag^{t} Thomas White and Diana his wife three days and day coming and day goeing.

Ordered that the s^{d} Thomas Hassold pay unto the s^{d} John Holford ye sume of ten shills and ten pence

Thomas Stephens Craves allowance according to law for his attending of this Court as an evidence for Stephen Manwaring ag^{t} Robert Wilson two days and day coming and day goeing

Ordered that the s^{d} Stephen Manwaring pay unto the the s^{d} Thomas Stephens eight shillings and four pence

Eliz Mowbery craves allowance for her attendance as an evidence for Patrick Henley agst Wm Bournsby four days and a day comeing and a day goeing

Ordered that the s^{d} Patrick Henley pay unto the s^{d} Elizabeth Mowbery ye sume of thirtee shills. and four pence

Jno Twegger craves allowance for attending this Court being an evidence for Stephen Manwaring against Robert Wilson four days and a day comeing and a day goeing

Ordered that the said Stephen Manwaring pay unto ye Jno Tweger the sum̄ of thirteen shillings and four pence.

Jno Twegger craves allowance for his attendance being an evidence for Tho Hassold agst Thomas White and Diana his wife three days and a day comeing and a day goeing

Ordered that the s^{d} Thomas Hossold pay unto the s^{d} Jno Twegger the sum̄e of ten shill^{s} and ten pence

James ffewox proveth his right to one hundred acres of land by importac̄on of Richard Bachelor & Jno Haswell

Jno Symons proveth his right to fifty acres of land by the importac̄on of himself.

Court adjourned untill September the 28

SEPTEMBER y^{e} 28 1694 FORENOON

Pr^{snt} Danl Akehurst esq^{r} Sec^{r} ffrancis Tomes Ben. Lakar Maj^{r} Saml Swann Coll Thomas Pollock esq^{r} Lords Deputys Capt Anthony Dawson assistant

W$\bar{m}$ Lacy Senr Craves allowance for his attendance being an evidence for Stephen Manwaring agst Robert Wilson two ds and day comeing and day goeing

Ordered that the s^{d} Stephen Manwaring pay unto the s^{d} W$\bar{m}$ Lacy eight shills and four pence

Mr Edward Mayo craves allowance for his attendance being an evidence for Thomas Hassold in his action against Thomas White and Diana his wife three dayes and a day comeing and goeing

Ordered that the s^{d} Thomas Hassold pay unto the s^{d} Edward Mayo the sume of ten shills and ten pence

Timothy Pead and charles Thomas bound over upon informacon of Mathias Towler to answer their contempt in taking away a whale from him the s^{d} Mathias Towler he having a Lycence from the Honble Governor for whaling. It sufficiently appears to the court that the s^{d} Timothy Pead and Charles Thō did not in any wise shew any contempt of authority

Ordered that the s^{d} Timothy Pead and Charles Thomas be discharged

Present Mr Jno Durant assistant

Mathias Towler bound over by order of Couratuck Court bearing date the twenty third day of April last for feloniously taking of eight Barrels belonging to Timothy Pead. It appearing by the oath of An Ros y^{t} she ye s^{d} An Ros to whom the Barrells did then belong gave her consent that the s^{d} Mathias Towler should have the Barrell pay her for them and that her consent was given to ye s^{d} Towler for the s^{d} Barrells before any agreem^{t} was made wth the s^{d} Timothy Pead concerning them

Ordered that the s^{d} Mathias Towler be discharged.

Charles Thomas by his peticon sheweth that he the s^{d} Charles Thomas had done ten dayes worke upon the whale wch afterwards Mathias Towler tooke from Timothy Pead and Company wch he proveth by the oath of An Ros.

Ordered that Mathias Towler pay unto the s^{d} Charles Thomas for his labour done upon the whale ten shillings and upon assignm^{t} of Timothy Pead two shillings and six pence due to the s^{d} Pead for his labour in and about the s^{d} whale with costs of this p^{r}sent Order

Anne Ros humbly sheweth that she the s^{d} Ros wth the assistance of some of her owne family tryed up three Barrell of oyle out of the whale wch Mathias Towler afterwards took from timothy Pead and their company and that shee did other labour about the s^{d} whale And that Mathias Towler had by her consent and upon promis of pay seven barrells for all wch she prayeth judgem^{t}

Ordered that Mathias Towler pay unto the s^{d} Anne Ros the sume of fifty one shillings and three pence wth cost of this order

Edward Sup craveth allowance for attendance being an evidence for Sarah Johnson against Jno Hopkins two day and a day coming and a day goe goeing. Capt. Anthony Dawson humbly praying that Willm Bentley may make appear his title to the land called Hawtry Neck upon consideracon of the whole matter

Ordered that Capt Dawson have the land lying on the head of Ben Lakar esq^{r} his land according to the entry made by Capt. Anthony Dawson

Leonard Loften proveth rights for himself and Eliz his wife.

Richard Bentley by his attorney Capt Henderson Walker shewing that the action brought by Corne. Lerry agst the s^{d} Bently was not actionable by law humbly craves a hearing in Chancery

Ordered that that the s^{d} Lerry be sumoned to appear at the Court Chancery to be holden the twenty ninth day of November next to answer the premises and the s^{d} Rich. Bentley give good security for prosecution.

John Mason acknowledged a bill of sale for twenty four head of cattle to Robert Kitching

John Mason acknowledgeth his and Sarah his wife their assignem^{t} of a bill of sale made to the s^{d} Jno Mason by Jno Don of a certain plantac̄on in the p^{r}cinct of Couratuck lying next to Whitts Island unto the s^{d} Robert Kitching.

Upon Petic̄on of Jonathan Bateman shewing that he haveing maried the Relic^{t} of Lawrence Arnold deceased hath paid severall debts of the s^{d} Arnold and the executor of the last will of the s^{d} Arnold being under age he humbly prayeth that he may be be reimbursed the s^{d} debts wth his charges It appearing that noe probat hath been given of the s^{d} Will

Ordered that a probat be given of the last will of the s^{d} Arnold to ye Executo^{r} by the s^{d} Will appointed and forasmuch as the executor is under age Jonathan Bateman his guardian shall in his behalfe Execute the s^{d} Will

Sarah Mason wife of Jno Mason acknowledgeth her free and voluntary assent to the assignment of John Dons bill of sale unto Robert Kitching

The Court adjourned untill two of clock

SEPTEMB^{r} 28 AFTER NOON

P^{r}sent Danl Akehurst esq^{r} Secre^{t} ffrancis Tomes Benjamin Lakar Maj^{r} Saml Swann Coll Thomas Pollock esq^{r} Lords Deptys Capt Anthony Dawson Mr Jno Durant assistants

Jno Previt proves his right three hundred acres of land by the importac̄on of Jno Previt twice transported An his wife Philip Warde Jno Previt Ju^{r} Mary Previt

Maj^{r} Saml Swann proveth his right to six hundred and fifty acres of land by the importac̄on of Saml Swann, Sarah Swann, Wm, Sam, Samson, Henry and Thomas Swann, Eliz Hunt, Tom, Mary, Hanah Eliz and Jane Serv^{ts}

Jno and Sarah Mason craves allowance for their attendance being evidences for Patrick Henley against Wm Bournsby each four d^{s} and day comeing and day goeing.

Ordered that the s^{d} Patrick Henley pay unto the s^{d} Jno. Mason and Sarah his wife the sume of twenty six shill^{s} and eight pence Pr^{r}sn^{t} ye Hon^{ebl} Thomas Harvey Dep^{ty} Govern^{r}

Mrs Anne Durant shewing that two of the apprisors appointed to apprise the estate of Mr George Durant dec^{d} are by departure or sickness disabled. Craves that other may be appointed in their stead.

Ordered that Mr Jno West Mr Jno Whitby Jonathan Bateman and Tho. Hassold or any three of them being sworne before Mr Jno Godfrey shall apprise the s^{d} estate

M^{r} ffoster Jervis craveth a division to be made of the estate of Thomas Jervis esq^{r} dec^{sd} that the s^{d} ffoster Jervis may have his part separate.

And Mr Charles Neal in behalf of Dorcas Daughter of ye s^{d} Charles Neal and Dorkas his wife who was daughter of the s^{d} Thomas Jervis humbly prayeth that the part or portion belonging to the s^{d} Dorcas Neal out of her grandfather ye s^{d} Thomas Jervis his estate may be delivered to ye s^{d} Charles Neal in behalf of his s^{d} daughter

Ordered that Mr Wm Allen Mr Thomas Vandermulen and Rich. Sanderson ju^{r} or any two of them shall make devision of the estate of the s^{d} Thomas Jervis and that the s^{d} ffoster Jervis have his part or portion of the s^{d} estate and that the parte or portion of the s^{d} estate belonging to y^{e} aforemen$\bar{c}$oned Dorkas Neal be delivered unto the s^{d} Charles Neal he giving security before the p^{r}cinct Co^{rt} of Couratuck for the same

An Ros craveth allowance for her attendance (being an evidence for Mathias Towler) four days and two days coming and two dayes goeing.

Ordered that the s^{d} Mathias Towler pay unto ye s^{d} An Ros sixteen shillings and eight pence

Thomas Tull shewing that in ye year 1689 he the said Thomas Tull obtained a nonsute against Jno. Gibbs esq^{r} for wch noe satisfaction hath hitherto been made for his costs and charges therein. The matter at the request of the s^{d} Thomas Tull and of Mr Edw Mayo attorney of the Jno Gibbs being referred to the Cour^{t}

Ordered that the s^{d} Edward Mayo as attorney of ye s^{d} Jno Gibs pay unto the s^{d} Tho. Tull the sume of five pounds wth costs of this p^{r}sent Judgem^{t} in satisfaction for all the costs and charges of the s^{d} Nonsute.

Peter Grey craves allowance for his attendance one day being Evidence for Mr. Robert Wilson in an action against Stephen Manwaring

Ordered that the s^{d} Robert Wilson pay unto Peter Grey the sum of thirty pence

Peter Grey craves allowance for one days attendance being an evidence for Stephen Manwaring against Mr Robert Wilson

Ordered that the s^{d} Stephen Manwaring pay unto Peter Grey thirty pence

Peter Grey craves allowance for one d^{s} attendance being evidence for Stephen Manwaring against Robert Beasley. Ordered that Stephen Manwaring pay unto the s^{d} Peter Grey thirty pence

IN CHANCERY

Thomas Gillam and Sarah his wife sumoned to answer Mr Edward Smithwike and Jno Smithwike and they came and Edward Smithwike by Capt Walker their attorney pray that the judgem^{t} obtained against them the s^{d} Edw Smithwike and Jno Smithwike at the sute of Thomas Gillam and Sarah his wife in an action of trespas at the Comon law may be reversed and they unto their possession may be restored for and because the plantac̄on and dwelling house wherein the s^{d} trespas was pretended to be comitted is upon the land formerly survey and laid out for Mr Hugh Smithick ye Orato^{s} father as by the survey returned by the Hon^{rbl} Major Saml Swann doth appear and alsoe craves that they may have a patent for the s^{d} land according to the s^{d} survey And they further prove that noe force hath been by the p^{r}sn^{t} Orators used for the gaining of their lawfull possession but that the entry whereon the s^{d} action at Comon law against them was brought was a peacible and lawfull entry by the Oathes of Mr Nicholas Chrisp and William Charleton upon consideac̄on of the whole matter and hearing of all ye partys

Decreed that the right and title of the s^{d} land is in ye s^{d} Mr Edward Smithwike and Jno Smithwike and that the order of Court obtained against the s^{d} Edward Smithwike and Jno Smithwike at ye sute of the s^{d} Thomas and Sarah Gillam be reversed and it is hereby reversed and y^{t} the Provost Marshall or deputy shall put and restore ye s^{d} Edward Smithwike and Jno Smithwike into their lawfull possession in and upon the plantac̄on where the s^{d} Thomas Gillam now liveth upon the first day of January next untill wch time the s^{d} Thomas Gillam and Sarah Gillam shall have liberty peacibly to remove all their goods and chattels and crop of corne of & from the s^{d} plantac̄on Making noe wast And that the s^{d} Edward Smithwike and Jno Smithwike shall pay unto the s^{d} Thomas and Sarah Gillam ye sum of five pounds in porke in consideac̄on of the building and other improvement upon the s^{d} Plantac̄on by them done and the s^{d} Thomas and Sarah Gillam shall pay cost of sute.

Sarah Johnson sumoned to answer Jno Hopkins and she came and by her attorney Maj^{r} Alex Lillington humbly moveth that she may have time till the next Court for preparing and bringing in her answer and the s^{d} Jno Hopkins by his attorney Capt Henderson Walker moveth that

evidences by them sommoned may be sworne And in p^{r}sence of both partys ye affidavit of An Ward is taken for the s^{d} Jno Hopkins and the affidavit of Edward Sap is taken for the s^{d} Sarah Johnson and the further hearing referred until ye Court of Chancery to be held upon the 29th day of November next

Adjourned untill Saturday the 29th day

SATURDAY September ye 29th 1694

P^{r}snt The Hon^{ebl} Thomas Harvey esq^{r} Deputy Govern^{r} Danl Akehurst esq^{r} Sec^{rt} Francis Tomes Benj. Lakar Maj^{r} Saml Swann Coll Tho Pollock esq^{r} Ld^{s} Deputys Capt Anthony Dawson Mr Jno Durant assistants

Henry Palin craves allowance for his attendance being an evidence for W$\bar{m}$ Bournsby agst Patrick Henley six days and day coming and day goeing

Ordered that the s^{d} W$\bar{m}$ Bournsby pay unto the s^{d} Henry Palin eighteen shills and four pence.

Henry Palin craves allowance for his attendance for W$\bar{m}$ Bournsby agst Mason three days

Ordered that W$\bar{m}$ Bournsby pay unto ye^{e} s^{d} Henry Palin seven shills and six pence.

John Wilson craves allowance for attendance an evidence for W$\bar{m}$ Collings agst Mary Lamb three dayes and a day coming and day goeing —Ordered that the s^{d} W$\bar{m}$ Collings pay unto the s^{d} John Wilson ten shill and ten pence

Adjourned untill
the Last Mnnday
in November
being y^{e} 24th
of November
1694

THOMAS HARVEY
DANIEL AKEHURST
BENJAMIN LAKAR
THOMAS POLLOCK
SAMUEL SWANN
FFRANCIS TOMES
ANTHONY DAWSON
JOHN DURANT

GEN^{ell} COURT HOLDEN AT THE HOUSE OF THOMAS WHITE Y^{e} 26th DAY OF NOVEMBER

Present The Hon^{eble} Thomas Harvey esq^{r} Dep^{ty} Govern The Hon^{eble} Danl Akehurst ffrancis Toomes Benjamin Lakar Saml Swann Coll Tho. Pollock esq^{r} Ld^{s} Deputys Mr Robert Wallis assistant

The Court meet and adjournne untill ye 27th instant 7 of ye clock

November ye 27th fforenoon

Presn^t^ ye Honerble Thomas Harvey esq^r^ D Gove^r^ The Hon^eble^ Danl Akehurst ffrancis Tomes Benjamin Lakar Maj^r^ Saml Swann Col Thomas Pollock esq^r^ L^ds^ Deputys M^r^ Wm̄ Duckenfield Mr Robert Wallis assistants

The Court meet and ye Members above named take ye oath underwritten

The forme of the Oath

You shall doe equall Right to ye poor and rich after your Cuning witt & Power you shall not be of Councell of any quarrell hanging before you

The Oath of the Grand Jury

You shall as foreman of the Grand Jury of Inquest of the Body of this County deligently to Inquire into and true presentm^t^ make of all such matters as shall be given you in charge. Their Majesties Councel your owne and your fellows you shall faithfully keep. You shall p^r^sent none for malice hatred or revenge you shall leave none unp^r^sented for pity fear Love favour or affection. You shall take or be in Expectac̄on of receiving noe gift bribe or reward but you shall in all things present the truth the whole truth and nothing by the truth according to yor knowledge Soe help you God

The Attorney Gen^lls^ Oath

You shall swear as their Majesties Attorney Gen^ell^ wth this Goverm^t^ truely and faithfully to Execute the s^d^ Office to ye best of y^r^ Witt Cuning and power soe long as you shall continue in the s^d^ Office Soe help you God

Mr John Porter Ju^r^ sworne Attorney Gen^ll^

Order^d^ y^t^ ye Attorney Gen^ll^ forme an Indictment on their Majesties Behalf against Mr John Philpot

Alexander Lillington attor of Mr John Wright of Virginia comes to prosecute his sute against Thomas Hawkins of this County in a plea of Debt referred from the last Gen^ll^ Court and the s^d^ Thomas Hawkins came not and the s^d^ Alex Lillington craves Judgm^t^ ag^st^ Capt Henderson Walker for the s^d^ debt by vertue of of an order passed ye last Court upon an assumption made by the s^d^ Henderson Walker for the s^d^ Thomas Hawkins's appearance at this C^rt^ to answer the s^d^ sute and for as much as the s^d^ Thomas Hawkins appeared not either by himself or his lawfull attorney

Order[d] that y[e] s[d] Capt Henderson Walker pay unto y[e] said Alexander Lillington attorney of y[e] s[d] John Wright y[e] sume of sixty three pounds fourteen shillings according to Specialty wth costs of sute als Execution

And the s[d] Henderson Walker craves that further proceedings in the aboves[d] sute may be stayed untill an hearing of the matter be had in their Ld[sps] Court of Chancery to be held y[e] day of ffebruary next, and the s[d] Henderson Walker for himselfe and Coll Wm̄ Wilkison on y[e] s[d] Henderson Walker's behalfe undertake and assume upon their selves joyntly and severally in the penall sume of one hundred twenty seven pounds eight shills to be levyed of their goods and chattels to y[e] use of the s[d] Alex Lillington Attorney of the s[d] John Wright for y[e] s[d] Henderson Walkers appearance at their Lordships Court of Chancery to be holden y[e] day and moneth afores[d] to prosecute y[e] s[d] appeal

Dan[l] Philips take y[e] Oath of Deputy Marshall of this County.

John Hopkins by his attorney Capt Henderson Walker comes to prosecute his attachm[t] against y[e] estate of Wm̄ Spragg. And y[e] Provost Marshall returnes attached on y[e] behalfe of y[e] s[d] John Hopkins six sheep one p of stilliards and one loom one Cow and yearling one cow and calfe wth what ever of the estate of the s[d] Wm̄ Sprag is in y[e] possession of Christopher Butler and three pounds five shillings in the hands of Lawrence Mesell and y[e] s[d] John Hopkins saith y[t] y[e] s[d] Wm̄ Sprag is justly indebted to him the s[d] Hopkins y[e] sume of fourteen hundred pounds of Merchantable Porke for and in consideracon of fourteen sheep sould by the said John Hopkins to y[e] s[d] Wm̄ Sprag and further saith y[t] upon demand of y[e] s[d] Debt made by y[e] s[d] John Hopkins the s[d] Wm̄ Sprag willingly tendered y[e] s[d] sheep unto y[e] said John Hopkins for satisfaction of the s[d] Debt of fourteen hundred pounds of porke but that Christopher Butler by ꝑswation prevented the same and in short time after w[ch] designe and purpose y[e] s[d] John Hopkins of his just debt to defraud pnrchased all the estate of the s[d] Wm̄ Sprag. And the said Christopher Butler by Stephen Manwaring his attorney comes and defends y[e] sute and saith y[t] judgem[t] of y[e] goods attached he ought not to have for and y[t] y[e] s[d] Butler had lawfully purchased all the goods and chattels of y[e] s[d] Wm̄ Sprag and this he desireth may be inquired of by the Country and the s[d] Hopkins likewise. Wherefore the Marshall is required that he cause to come here twelve true and lawfull men of the vicinage and who to neither of the ptys are any ways related by whom

the truth of the matter may be tryed who accordingly impanelled and sworne Namely

- John Stepney forem^{n}
- Mr James ffisher
- Mr Tho Horton
- Mr Danl Snooke
- Mr Isack Wilson
- Mr Robert Beasley
- Mr George Dear
- Mr Geo. Mathews
- Mr Robert Moline
- Mr Rich Cheston
- Mr Jenkins Williams
- Mr Henry Norman

say upon their Oath we finde for the Plantife

Evidences sworne for Plantif Arthure Carleton, James ffisher Coll Wm Wilkison, Maj^{r} Alexand^{r} Lillington

ffor defend^{t} W$\bar{m}$ Charleton and Arthure Carleton

Ordered that the Marshall make paym^{t} of the s^{d} sum$\bar{e}$ of fourteen hundred pounds of porke unto y^{e} s^{d} John Hopkins of y^{e} goods attached being apprised according to law wth costs of sute & y^{e} overplus if any be to returne to the said Christopher Butler.

And the s^{d} Christopher Butler craves that further proceedings in y^{e} p^{r}misses be stayed untill full hearing of ye whole matter be had at the next Court of Chancery to be holden for this Goverm^{t} And Mr Stephen Manwaring on behalfe of ye s^{d} Christopher Butler and ye s^{d} Butler in his owne behalfe assume upon themselves in the penall sum of twenty eight hundred pounds of Merchatable porke jointly or severally to be levyed on their goods and chattels to y^{e} use of y^{e} s^{d} John Hopkins if y^{e} s^{d} Butler shall make default in the prosecution of his said appeal

Coll W$\bar{m}$ Wilkison having been bound over for his appearance at this court and his good behaviour in the mean time makes his personall appearance and the Court haveing considered y^{e} complaint made agst him Ordered that the s^{d} Coll Will$\bar{m}$ Wilkison give good and sufficient surety for his good abearing towards their majesties and towards his Excell the Palatine and rest of the true and absolute Lds proprietors and inhabitants of this County for and dureing one whole year and one day. And the said W$\bar{m}$ Wilkison acknowledgeth himselfe to be firmly held and bound in the penall sum of one hundred pounds and Mr Thomas Blount of this County of Albemarle under takes on y^{e} behalfe of y^{e} s^{d} W$\bar{m}$ Wilkison in y^{e} sum of fifty pounds to be paid to his Excel the Palatine and rest of y^{e} true and absolute Lords proprietors their heirs and successors wch s^{d} sevearall sums they doe acknowledge to be levyed on their

goods and chattels to y^e^ use afores^d^ if y^e^ s^d^ Wm Wilkison shall be deficient in the above written order.

Wm Bundy acknowledgeth his bill of sale to Timothy Clear of a tract of land situate in Pequimons Prec^t^ between ye lands late of Joshua Scot and the lands called comonly Finckley

Andrew Ross proves by ye Evidence whose names are thereunto subscribed his Letter of Attorney from Robert Scott. Ordered to be Recorded.

A letter of Attorney from Mary wife of Lawrence Mage^o^ to Andrew Ros proved by ye Evidence thereunto subscribed Ord^d^ to be Recorded

A letter of attorney from John Keeton to Major Alex Lillington proved by ye Evidences and ordered to be Recorded

A Letter of Attorney from James Alexander to Major Alexander Lilling proved by the Evidences and ordered to be Recorded

The Grand Jury sworne Namely

The Court adjourned untill five of Clock

NOVEMBER ye 27th five of ye Clock

The Court Meet Pres^nt^ The Hon^ebl^ Thomas Harvey esq^r^ Dep^ty^ Govern^r^ The Hon^ebl^ Danl Akehurst ffrancis Tomes, Benj Lakar, Saml Swann Coll Thomas Pollock esq^r^ Ld^s^ Deputys Wm Duckenfield and Mr Robert Wallis assistants Mad^m^ Susanah Heartley Executrx of the last Will and testam^t^ of Col ffrancis Heartley deceased arrested to answer ye Plaint of Patrick Henley in a plea of Case And ye said Patrick Henley comes and saith that ye defend^t^ is indebted to him by acc^t^ contracted by ye s^d^ ffrancis Heartley in his life time ye sum of twelve pounds and the Defend^t^ by Capt Henderson Walker her attorney defends the sute and craves oyer of ye s^d^ acc^t^ w^eh^ being read she further saith that satisfaction of and for ye s^d^ acc^t^ hath alreddy been made and this she desireth may be inquired of by the Country and the s^d^ Henley likewise and the Marshall is comanded y^t^ he cause to come here twelve true and lawfull men of ye vicinage and who to neither of ye partys are related by whom the truth of the matter may be found who accordingly impanelled and sworne

Namely

Jury
- John Stepney
- Isaac Rowden
- Janes Farloe
- ffrancis Wade
- John Hopkins
- Robert Wilson
- Timothy Clear
- James ffisher
- Isaac Wilson
- Robert Moline
- Thomas Lepper
- John Alford

Say upon their Oath
We finde noe cause of Action

Evidences for defend^t^
- Thomas Lepper
- Thomas Horton

Ordered that ye sute be dismissed and that the s^d^ Henley pay costs of sute.

John Stepney comes to prosecute his attachment of one steer ye estate of Wm Sprag by Reference from the last Court at w^eh^ Court he had made his debt appear to be twenty six shillings by Bill And Christopher Butler comes and sath that judgm^t^ of ye chattell attached he ought not to have for and that ye s^d^ chattell is by purchase from ye s^d^ Wm Sprag his ye s^d^ Butlers proper goods and this he desireth may be inquired of by the Country and the s^d^ Stepney likewise. Wherefor the Marshall is required that he cause to come here twelve true and lawfull men and who to neither partys are any wayes related by whom the truth of the matter may be found who being impanelled and sworne viz

Say upon their oath We finde for the plantif with Costs

(Jury

Isaak Rowden	Isaak Wilson
James ffarloe	Tho Lepper
ffrancis Warde	Robert Moline
Robert Wilson	Rich Madren
Ralph ffletcher	John Halford
James ffisher	
Timothy Clare	

Ordered that ye Marshall make paym^t^ of ye s^d^ Steer apprised according to law unto the s^d^ John Stepney for ye defraying of ye s^d^ sume wth costs of sute and ye overplus if any be to returne to the s^d^ Christopher Butler

And the s^d^ Butler crave hearing hereof to to be had at ye next Court of Chancery and in the mean time all proceedings at comon law be stayed and George Mathews on ye behalf of ye s^d^ Christopher Butler surety for ye prosecution

Stephen Manwaring comes to prosecute his sute upon a reference from the last Court in a plea of defamac̄on against Mr Robert Wilson and ye s^d^ Wilson by Mr John Porter Ju^r^ his attorney comes and saith that ye s^d^ action against ye s^d^ Robert Wilson ought not to be had for and because the same action had before been brought by ye s^d^ Stephen Manwaring ag^st^ ye defend^t^ and upon tryall by the Country was found for the defendt

Order^d^ y^t^ ye sute be dismissed and y^t^ ye s^d^ Stephen Manwaring pay eosts

Adjourned untill ye 28th of Instant 7 of the clock in the morning:

NOVEMBER Y^E^ 28TH FORENOON

Court meet Presn^t^ The Hon^eble^ Thomas Harvey esq^r^ Dep^ty^ Govern^r^ The Hon^bl^ Danl Akehurst ffrancis Tomes Benj Lakar Maj Saml Swann Coll Tho Pollock esq^r^ L^ds^ Deputys Mr Will Duckenfield Mr Robert Wallis assistants

The list of tithables being brought in and being in number seven hundred eighty seven. By vertue of an order of Assembly impowering this

Court to lay ye sume of one hundred and ninety five pounds eleven shillings and ten pence upon the tithables now brought in ordered that for the defraying ye s^d^ Charge of one hundred ninety five pounds eleven shillings and ten pence the Collector Major Alexander Lillington or his deputy or deputys levy by distress upon ye s^d^ Seven hundred Eighty seven tithable ye sum of five shillings ℔ pole and that he make paym^t^ thereof to the severall ℔sons to whom it is due And that he pay unto Mr Edward Smithwike forty shillings and Mr Robert Beasley twenty shillings for their severall journeys into Virginia to ye Rt Hon^ebl^ Govern^r^ Ludwell on ye Country service out of the forty pounds advanced towards publick buildings. And that alsoe ye s^d^ Collector or his deputy or deputys be and are Hereby Impowered to make distrest for his just arrears of his last yeares collection for w^oh^ he hath not alreddy taken Bill

Mr ffrancis Tomes, dissents

Robert Wilson comes to prosecute his action of trespas of the case against Stephen Manwaring referred the last Court that by ye survey thereof ordered to be returned to this Court it might plainly appear where the trespas lay And ye survey of ye land of ye s^d^ Stephen Manwaring according to ye s^d^ order being returned It doth appear that ye land and plantac̄on whereon the s^d^ Robert Wilson had complained ye s^d^ trespas to have been by the s^d^ Manwaring comitted was w^th^in the bonds of ye s^d^ Manwarings proper land

Ordered that ye s^d^ sute be dismissed and that the s^d^ Rober Wilson pay costs of suite.

The estate of Nathan^l^ Bell of Bermuda attached in the custody of Mr Joseph Comander to answer the plaint of Mr Willm̄^ Duckenfield and the s^d^ W^m̄^ Duckenfield came and saith y^t^ ye s^d^ Nathan^l^ Bell is justly Indebted unto the s^d^ W^m̄^ Duckenfield by an acc^t^ ye sume of six pounds fourteen shillings w^oh^ he proves by his owne oath and the oath of Hanaball Haskins.

Ordered that paym^t^ be made unto ye s^d^ W^m̄^ Duckenfield of ye s^d^ sum of six pounds fourteen shill wth costs of Sute out of ye estate attached as afores^d^ als Execution

The Marshall being comanded to attached soe much of ye Goods and Chattells of Joshua Lamb deceased as would satisfy ye sum of fifteen pounds in porke wth cost of sute recovered of Mary Lamb Administratrix of y^e^ Goods and Chattells of the said Joshua Lamb at y^e^ sute of W^m̄^ Collins y^e^ Marshall makes returne of y^e^ s^d^ Writt y^t^ there was not goods or chattells to be found

Ordered that a writt of Eligit be granted to the s^{d} W$\bar{m}$ Collings as well agst all goods and Chattells of the s^{d} Joshua Lamb as agst one half of all his lands and tenem^{ts} within this Goverm^{t}

W$\bar{m}$ Hencock arrested to answer James ffarloe in a plea of the case and y^{e} s^{d} James ffarloe came and saith that the s^{d} W$\bar{m}$ Hencock unto y^{e} plantif one mare hath sould wth warranty from all $\overline{\text{pr}}$sons and claimes wch s^{d} Mare out of the possession of y^{e} plan^{t} hath since been taken claimed and held contrary to y^{e} intent and meaning of the s^{d} sale and the s^{d} Hencock by Hanaball Haskins his attor. saith that y^{e} plan^{t} ye s^{d} action against him ought not to have for and that ye s^{d} mare out of the plantifs possession as he hath alleged hath not been taken and detained and this he Casteth upon the Conntry and the Plantif by Mr Edward Smithwike his attorney likewise and ye Marshall is comanded that he cause to come here twelve true and lawfull men of the vicinage and who to neither of the partys any way are related by whom the truth of the matter may be tryed who Impanelled and Sworne viz John Mason Thomas Lepper ffrancis Ward John Hopkins Timothy Clear James ffisher Isaak Wilson, Rich Madren, George Mathews Robert Moline George Dear John Halford say upon their oath we find no cause of action. Ordered y^{t} it be dismissed and ye plantif pay costs

Mad^{m} Susanah Heartley sumoned to render an acct^{t} of ye estate of Thomas Slaughter and she came and by Hanaball Haskins her attorney saith that Mr Will Gascoigne part of the estate of the s^{d} Slaughter in his hand yet detaineth and ye s^{d} Gascoigne upon his oath declares y^{t} he in his possession any part of ye estate afores^{d} hath not except one little trunck wch he had formerly given to his daughter the s^{d} Thomas Slaughter's wife and the s^{d} Hanaball Haskins upon his Oath p^{r}sents an inventory of y^{e} s^{d} Slaughters estate

Ord^{d} that James ffarloe pay unto James Pollock and Danl Halsey each allowance according to law for each three days attend^{ce} being sn$\bar{m}$ as evidences in his sute agst Hencock and each two days coming and two ds goeing

Ordered y^{t} M^{r} W$\bar{m}$ Duckenfield pay unto Hanaball Haskins an evidence in his plea agst Bell y^{e} su$\bar{m}$e of Eight shills and four pence for two days atten. & day coming & day goeing

The Jurors for our Soveraigne L^{d} and Lady y^{e} King and Queen p^{r}sent y^{t} John Philpon of the p^{r}c^{t} of Pasquotank in the County of Albemarle did at or about y^{e} 14th day of September 1694 at the house of Major Alexander Lillington in the p^{r}c^{t} of pequimons in the county afores^{d} advisedly maliciously and devilishly in the p^{r} of divers $\overline{\text{pr}}$sons utter and

declare these words following saying God dam king Willm and alsoe at y^e^ afores^d^ time and place did utter himselfe further saying I'le drink King James health for he is the right King and did further at the same time and place utter his secret malice ag^st^ their Majesties for being admonished of w^t^ he had said ag^st^ their Majesties he asked w^t^ he had said and answer being made that he had said God Dam King William to wch he did in most malicious manner reply Then God dam him again and ye s^d^ Philpot did since upon his examinacon upon the aboves^d^ matter before the Hon^rble^ Deputy Govern^r^ and Councell them offer to dispute ag^st^ their p^r^sent Majesties right to the Crowne and for King Jame's contrary to the peace of our Soveraigne Lord and Lady the King and Queen their Crowne and dignity and is contrary to an act of Parlm^t^ made and in that case provided ye first year of the reigne of King Edward the 6th & 12th Chapter.

Upon wch Iudictm^t^ ye s^d^ John Philpott being arraigned pleaded Not Guilty and put himself upon his Country who impanelled and sworne viz

The jury saith upon their oath he is guilty.	Jury	Mr Caleb Callaway Mr Tho. Lepper Mr James ffarloe M^r^ ffrancis Warde Mr John Hopkins Mr Robert Wilson Mr Timothy Clear Mr James ffisher Mr Isaak Wilson Mr John Stepney Mr Edw. Smithwike Mr Tho Blount
Witnesses for their Majesties Maj^r^ Lillington Timothy Pead John Tweger Mary Peterson		

Order y^t^ ye s^d^ John Philpott forfeit all his good and Chattels unto his Excel the Pala and rest of the true and absolute Lds proprietors and suffer imprisonm^t^ of his body for and during one whole year and a day w^th^out Bail or Mainprise.

And upon the humble peticon of ye s^d^ John Philpott and in comiseracon of his weakness and age.

Ordered that ye Marshall shall cause ye goods and chattells of ye s^d^ Philpott to be apprised and a true inventory thereof to returne to ye Secretary's office and to secure in his custody soe much of the s^d^ estate as shall be sufficient to defray the charges of his prosecution and the rest to deliver to the said Philpot he giving good security to render ye same or an acc^t^ thereof to ye Grand Councell whensoever he shall be thereunto required.

Henry Brooks proves his right to fifty acres of land by the Importacon of himselfe

Capt Thomas Relfe acknowledgeth his assignmt of a patent to John Jenings and Willm Relfe

Ordered to be recorded

Mr Rich Pope attached to answer Lawrence Magee and Mary his wife Guardians of Wm Battle son and heir of John Battle in a plea of trespas of the cace and the sd Rich Pope by Mr John Porter his attorney craves day till the first day of the next court

Ordered that ye sute be referred unto the first day of ye next Genll Court.

Upon complaint of the Chowan Indians that they are much injured by the English seating soe near them

Ordered that no more entry or settlemt of land be made higher then the plantacons weh are alreddy seated above the old towne Creeke and yt wt entries are already made and not yett settled shall be void.

An attachmt at ye sute of Thomas White and Diana his wife agst ye estate of John Toomy served on Thurler Offe to give acct of wt estate belonging to ye sd Toomy is in his hands and he came not. Ordered that the Marshall take into his custody ye Body of the sd Thurlo Offe and him safely to keep untill he give good surety to appear the first day of the next Genll Crt to render acct of the sd Toomys estate weh is in his Custody.

Mr John Wright upon his oath attesteth an affidavit taken before him in verginia to prove a bill passed by James Thigpen to John Keedon of verginia for the sum of two thousand pounds of tobacco.

A Letter of Attorney from John Spelman to ffrancis Hendrick proved by ye oath of Thomas Hassold and John Tweger Ord. to be Recorded

Wm Collins and Mrs Mary Clarke arrested to answer ye plaint of John Lear esqr and Ana his wife Executrix of the last will and testamt of Seth Sothell esqr deceased in a plea of Debt and ye sd John Lear by Capt Henderson Walker his attor. and the sd Wm Collins came and by free consent of both ye sute is referred untill ye Genel Court to be holden ye last Munday in September next.

John Dan arrested to answer ffrancis Hendrick Executor of ye last Will and testamt of Edmund Chambers decd in a plea of Debt and ye sd Hendrick came and it being made appear that ye sd John Dan by reason of sicknes was uncapable of coming it is referred to ye first day of Next Court

A letter of attorney from Mrs An Durant unto John Durant proved by the oath of George Harris

Ordered to be recorded

Mrs An Durant arrested to answer Wm Curry in a plea of Case and the sd Curry came not and the sd An Durant by her attorney John Durant came and craved a nonsute.

Ordered yt ye action fall and yt ye plantif pay costs.

Thomas Staunton arested to answer Andrew Rosle attorney of Robert Scott in a plea of ye case and the sd Rosle Came and Saith yt the sd Thomas Staunton is indebted unto ye plantif by bond one yoke of Oxen one Mare wth her increase and one hundred and thirty pounds of Tobacco by acct and the sd Thomas Staunt by his attorney Mr John Porter saith yt of ye sd Debts by ye Plantif alleged he oweth not any part or pcell thereof and of this he desireth the Country may inquire Wherefore ye Marshall is required to cause to come here twelve true and lawfull men of the vicinage and who to neith pty are related by whom the truth of the matter may be knowne who accordingly impanelled and sworne

Rich Madren viz	Wm Collins
Jonathan Bateman	Geo Mathews
Tho Garrett	John Tweger
Ralph ffletcher	Patrick Henley
John Mason	Danl Snook
James Thigpen	Richard Chester

Say upon their oath

We finde noe cause of action

Ordered that it be dismissed and that the Plantif pay all costs of Sute.

Barbary Midleton attorney of George Muschamp esqr arrested to answer Robert Moline in a plea of case and the sd Moline came and saith that ye defendt refuseth to render ye sume of forty five shill wch ye sd Muschamp is indebted to ye Plantif and the defendt by her attor. Capt. Henderson Walker saith that long after ye date of ye said acct ye sd George Muschamp accounted wth the sd Robert Moline and the sd Moline passed his bill to ye sd Muschamp for ye balance of their acct being nineteen pounds sterling by wch all former accts was outt of wch the Court haveing considered Ordered that the sd sute be dismissed and that ye Plantif pay costs.

James Thigpen arrested to answer Majr Alexander Lillington Attor of John Keedon of virginia and the sd Alexander Lillington saith that the sd Thigpen is indebted to ye sd John Keedon in the sum of two thousand pounds of tobacco by bill under his hand and seal And the sd James Thigpen by Stephen Manwaring his attorney saith ye sd sum he oweth

not nor any parte thereof and this he desireth May be inquired of by the Country and the s^{d} Lillington alsoe Wherefore the Marshall is required that he cause to come here twelve true and lawfull men and who to neither of the partys are related by whom the truth of the matter may be found who accordingly impanelled and sworne viz

Rich Madren	Wm Collins
Jona. Bateman	George Mathews
Thomas Garrett	John Tweger
Ralfe ffletcher	Patrick Henley
John Mason	Danl Snooke
	Rich Chester
	Nicholas Simons

Say upon their oath
Noe cause of Action

Ordered that ye sute be dismissed and that ye Plantif pay costs.

Thomas Tweddy arrested to answer Thomas White and Diana his wife in a plea of the case and upon ye s^{d} Tweddy sicknes and ye sicknes of his ffamily it is referred till ye first day of ye next Court

Depositions taken upon oath in Court at the request of Mr Robert Wilson viz Caleb Calaway Thomas Lepper Timothy Clear Nicholas Simons Robert Beasley Dan Snooke John Stepney

Adjourned till ye 29th of this Instant.

NOVEMBER THE 29th FORENOON

Court meet Present The Hon^{ebl} Thomas Harvey esq^{r} Dep^{t} Govern^{r} The Hon^{ebll} Danl Akehurst ffrancis Tomes Benj. Lakar Maj Saml Swann Coll Thomas Pollock L^{ds} Deputys M^{r} Wm Duckenfield Mr Robert Wallis Assistants

ffrancis Hendrick Attorney of John Spelman acknowledgeth his assignm^{t} of a Deed of Sale to Thomas White and ffrancis Hendrick ingageth himselfe to deliver all ye estate of John Spelman to the s^{d} Thomas White and the s^{d} Thomas White assumes the paym^{t} of all John Spelmans just debts and to bear the s^{d} ffrancis Hendrick harmless from all sutes and charges that may or shall arise for or concerning any of ye debts of the s^{d} Spelman Tho. White acknowledged by both ptys ffrancis X Hendrick Roger Snell acknowledges his assignem^{t} of a Patent for ——— acres of to ye land Hon^{eble} Thomas Harvey esq^{r} and Mary his wife relinquisheth her right of dower in and to ye s^{d} Land.

Upon peticon of Capt Thomas Relfe and Wm Relfe Ordered that the above said Thomas and Wm Relfe in behalfe of the Orphans of ye dec^{d} have administracon of the goods and chattells of Eliz Roads dec^{d} they

being nearest of kin. And that Austin Scarbrough Wm Temple Thomas Cartwright and Richard Madren or any three of them being sworne before Mr Robert Wallis or John Jenings apprise ye sd estate

Ordered that Wm Bournsby pay unto Thomas Pendleton as an evidences agst Patrick Henley for one days attendance and one day coming and one day goeing ye sume of five shills ten pence.

Upon peticon of Wm Turner Ordered that ye sd Turner have a patent for his land surveyed by Mr Wm Duckenfield according to ye sd survey Danl Halsey proveth his right to one hundred acres of land by the importacon of himselfe and Mary his wife

Adam Gambell's Will proved by the Evidence Ordered that Thomas Symons Jeremiah Symons Wm Jackson Senr and Henry White or any three of them being sworne befor Mr John West shall apprise ye estate of ye sd Gambell.

Capt Henderson Walker in behalfe of Tho. Hawkins assumes upon himselfe to pay unto Mr John Wright the debt expressed in the condicon of Hawkins bond upon wch at this court Judgmt hath passed agst ye said Henderson Walker except wt can be made appear to be alreddy paid by Receipt from ye sd Wright sins ye date of the Bond in curr money in Virginia at or before ye last of July next at ye dwelling house of ye sd John Wright and to pay ye costs of this sute to ye clerks and Marshall and amercemt.

Capt Walker wthdraws his Injunction and is by the sd Wrigh discharged from the sd order

Danl Halsey proveth his right to one hundred acres of land by ye importacon of John Aires and Rich. Wakefield

Adjourned till ye 30th Instant seven of clock

WILLm DUCKENFIELD	ROBERT WALLIS
BENJAMIN LAKAR	THOMAS POLLOCK
THOMAS HARVEY	DANIEL AKEHURST
SAMUEL SWANN	FFRANCIS TOMES

RECORDS OF COURT OF CHANCERY

1694 At ye Court of Chancery holden for this Goverm ye 29th day of November

Mr Robert Wilson by his peticon sheweth that Stephen Manwaring had sureptitious obtained a writ of super sidias from ye Right Honebl ye Governor and Counsell to stop the proceedings of an execution issued against him the sd Stephen Manwaring upon a verdict of a jury found

against him in an action of ejectm^{t} brought by the s^{d} Manwaring against the s^{d} Robert Wilson and it manifestly appearing to ye Court that the cause pretended by s^{d} Manwaring whereupon the supersidias was granted was for and because ye execution was in the name of the s^{d} Wilson whereas ye Originall proces was not comenced against ye s^{d} Wilson but against Humphrey Burroughs he ye s^{d} Burroughs being ye supposed ejector. But it now appearing to the Court as well by ye Record as by evidence y^{t} ye s^{d} Manwaring had voluntarily assented in Court to ye leaving out of the suppotitious names and to the prosecution of the sute in the true names of Manwaring against Wilson wch was the the true cause of the changing of the names and that ye cause alleged for the obetaining ye s^{d} supersidias was altogether false and misrepresented

Ordered Decreed that the s^{d} supers^{d} be null and void and it is hereby made null and void and ye s^{d} Wilson is left to his remidy at law as if the s^{d} supers^{d} had never been granted and y^{e} s^{d} Manwaring to pay costs of this order

James Mills proves his right to eight hund^{d} and fifty acres of land by the Importacon of James Mills, Edw Conquest, Geo Sutton and his wife Nathan^{l} Sutton, Joseph Sutton, Mary Gosby Eliz Sutton, W$\bar{m}$ Hague, Nathaniell Marker, one Neg^{r} serv^{t}, James Hunds Jno Pinck and his wife Jane Garrett, Jno Overton Joseph Pitts.

Sarah Johnson sumoned to answer y^{e} complaint of Jno Hopkins and the s^{d} Hopkins by his his Peti$\bar{c}$on shew that y^{e} s^{d} Sarah Johnson in the pretended right of her son Lawrence Gonsolvo hath unlawfull and clandestinely surveyed a tract of land in y^{e} prec^{t} of Pequimons on a creek called the Indian Creek by wch survey she hath included y^{e} s^{d} Hopkins planta$\bar{c}$on and a great part of y^{e} s^{d} Hopkins land intending thereby y^{e} s^{d} Hopkins of his just right to dese. . and altogether to deprive and he humbly prayeth that all process made in the premises for and towards the confirming or strengthening of y^{e} s^{d} Gousolvos title in and to the s^{d} land may be reversed and made null and that the s^{d} Hopkins may have an order for the survey of his land and planta$\bar{c}$on according to his just claime possession and title. And the s^{d} Sarah Johnson came not.

Decreed y^{t} y^{e} survey^{r} lay out for the s^{d} Hopkins three hundred acres of land begining at a branch near the s^{d} Hopkins his house and goe for breadth up the Creeke and that all proceedings by the s^{d} Johnson made in the premises to the wrong or p^{r}judice of ye s^{d} Hopkins just title in and to the s^{d} land be made hereby null and void

A Letter of Attorney from Rich. Bentley to Capt. Henderson Walker proved by the oath of Maj^{r} Alexander Lillington

Cornelius Lerry subpeened to answer the plaint of Rich. Bentley and ye s^d^ Bentley by his attorney saith that at ye Gen^ll^ Court holden in September last ye s^d^ Lerry vexatiously brought ag^st^ him an action at common Law for a great sum although when ye issue whereof was tryed by the Country it was found but eight shi^lls^ and four pence wch s^d^ sum by the Laws of this Goverm^t^ is not actionable he craves to be discharged from the unnecessary charges of the s^d^ sute. And it appearing that ye charges brought in to rayse ye s^d^ Lerrys acc^t^ was for necessary appar^ll^ due from ye s^d^ Cornelius Lerry to the s^d^ Bentley

Decreed that the s^d^ Rich Bentley be discharged from the charges of the s^d^ sute and that the s^d^ Cornelius Lerry pay the s^d^ costs as alsoe the costs of this sute.

Robert Beasley sumoned to answer the plaint of Stephen Manwaring and ye s^d^ Manwaring by Capt Walker his attorney humbly craveth that ye s^d^ Beasley may answer upon Oath to ye profe of an assumption of the sawing of five thousand five hundred foot of Planke for the use of the s^d^ Manwaring and ye s^d^ Beasley upon his subscription on penalty of ℔jury saith that true it is that ye s^d^ Beasley did agree to helpe to saw ye Planke for his the s^d^ Beasleys own house but as to ye sawing of planke for the use of ye s^d^ Manwaring he absolutely denys that ever any such agreem^t^ was made between them Wherefor

Decreed that the plaint be dismissed and y^t^ ye s^d^ Manwaring pay costs

The action between Wm Bournsby and Patrick Henley upon certificate of Bournsby's sickness referred to ye next Court of Chancery by consent.

The action between Wm Bournsby and John Mason upon certificate of Bournsbys sickness is referred to the next Court of Chancery by consent.

DANIEL AKEHURST
THOMAS POLLOCK

THOMAS HARVEY
BENJAMIN LAKAR

Ordered that ye Hon^ebl^ Danl Akehurst esq^r^ be requested and hereby impowered to take acc^t^ of w^t^ Goods belonging to Mr Robison and Mr Duncombe Bermuda Merchants are in ye custody of Mr John Philpott and make delivery thereof to them ye s^d^ Robison and Duncombe

THOMAS HARVEY
BENJAMIN LAKAR
FFRANCIS TOMES
THOMAS POLLOCK

NOVEMBER Y^e^ 30th

The court meet psnt The Hon^rbl^ Thomas Harvey esq^r^ Depty. Govern^r^ The Hon^rbl^ Danl Akehurst ffrancis Tomes Benjamin Lakar Maj^r^ Saml Swann Coll Thomas Pollock esq^r^ L^ds^ Dep^tys^ Mr Robert Wallis assistant Mr Wm Duckenfield assis^t^

Mr Stephen Manwaring craves a writt of alegit against ye estate of the W̄m Chapman upon a returne of a Capias ad satisfaciendum obtained at the sute of the s^d^ Manwaring for the sume of and non est inventus returned

Ordered that a writt of alegit be directed to ye Marshall agst. ye Goods and Chattells of ye s^d^ Chapman and one halfe of all his lands and tenm^ts^ wherever to be in this Govermt found for the paym^t^ of the s^d^ debt

The Court haveing considered that noe rule hath hitherto been made or laid downe for the ascertaining of ye composition to be made for such lands as shall escheat to their Lordships ye Court hath thought fitt that composition shall be two pence ye acre as at p^r^sent it is in Virginia and that the escheators fee be five pound and ye jury as by law in other cases is appointed until their Lordships shall signifyed their pleasure to the contrary.

Ordered the ye Attorney Gen^lls^ fee be fifty shills for every Indictm^t^

Ordered that a bond brought into Court by Coll Thomas Pollock made from John Goddard to Mr John Boarland in New England being proved by ye Oaths of Sam Woodard and Arthure Workeman sworne before Capt. John Hunt be Recorded

WILL̄M DUCKENFIELD	THOMAS HARVEY
ROBERT WALLIS	DANIEL AKEHURST
THOMAS POLLOCK	FFRANCIS TOMES
SAMUEL SWANN	BENJAMIN LAKAR

1695.

[B. P. R. O. Colonial Entry Book. Vol: 100. Page 350.]

TO THE RIGHT HON^ble THE LORDS COMMISSIONERS OF HIS MAJESTIES TREASURY

PRESENTMENT

BY THE COMMISSIONERS FOR MANAGING & CAUSING TO BE LEVYED & COLLECTED HIS MAJESTIES CUSTOMES SUBSIDIES &C:

The Commissioners having formerly acquainted their Lordships upon the Complaint of most of the principall Merchants Trading to Virginia and Maryland That the Trade is in a great Measure Destroyed & Ruined by many Scotch ships trading directly from thence back to the said Places without paying his Majesties Duties. And prayed their Lordships to become a means that a Vessell with a skilefull and experienced Commander might be appointed to cruise on the Coasts of Virginia & Maryland and moreover that some effectuall Remedy might be taken by writing to the Governm^t of Scotland or otherwise as to his Majesty should seem meet for preventing this great Evile tending to the Diminution of his Majesties Revenue and the Trade and Navigation of this Kingdome and Mr Randolph who is employed by their Lordships as Surveyor Generall on the North Coast of America having since his arrival in England laid before the Commissioners his observation made in his Travell from one Colony to another with a list of severall ships which by his great skill and industry have been discovered by him to have traded between Scotland and the Plantations directly and some with false Cocquetz and Certificats which he hath likewise discovered and brought over being now under the Commissioners Examination. They do humbly lay before their Lordships a copy of the said Mr Randolph's Paper as a matter of great moment. And the Commissioners being humbly apprehensive of this growing mischief for that the trade between Scotland and the Plantations is now about to be more openly carried on under Colour of a law lately past in Scotland for a joint Stock to Affrica & the Indies wherein severall Merchants of England have interested themselves they humbly pray that the same may be duely considered according to the Exigencie of so Important a case and laid before His Majesty in Councill in order to some effectuall Remedy for suppressing such a Trade from Scotland to the Plantations, tending so apparently to the Ruine of this

Principale Branch of the Revenue and the violation of the Acts of Trade & Navigation which are the only security of the Plantation Trade to and from this Kingdome

J. WARD ROBERT SOUTHWELL
WALTER YONGE SAMUELL CLERK

To the Honble Commissioners of the Customes

May it please your Honours

In my Paper of Proposals to suppress the illegall trade in the Tobacco Plantations which have been carried on from thence directly to Scotland for many years I have shewn from whence it has so generally prevailed and laid down proper methods for preventing thereof for the future a copy whereof is hereunto annexed which will be effectually remedyed if they was formed into an Act of Parliament to be passed this session and Entituled An Act for preventing Frauds and regulating Abuses in the Plantation Trade as is the Act of 14 Car 2nd for England. And that the Commanders of His Magesties ships of Warr during their stay in the Country may be ordered to receive Instructions from this Board in what may concerne the care of the Trade and Navigation to and from those Plantations and to the aiding and assisting of the Officers of His Majesties Customes in the Execution of their Dutys.

I now lay before your Honours an Accompt of the present State of His Majesties Colonies and Provinces upon the North Coast of America, in relation to a Scotch Act which is lately past, in which Act under pretence of erecting an East India Company in that Kingdome They do (p^r^ 2^d^) engage themselves with great sums of money in an American Trade a trade which has already for severall years been carried on by Scotchmen under pretence of being Persons born within the allegiance of His Majesty as by the Act of. 12. Car: 2^d^ They claim liberty to do, and although in the Act of the 14th of the said King only English Irish and subjects in the Plantations are to be accounted English, as to the navigating of shipps, yet they take on them to come from Scotland under the notion of Supra Cargos and Merchants and seldome faile of Counterfeit Masters.

In the 4th page they have Liberty to Plant Colonies &c in or upon places not inhabited by and p. 5th to make & conclude Treaties of Peace and Commerce with the Governors and Proprietors paying only to His Majesty out of Scotland the yearly acknowledgement of one h. h^d^ of Tobacco. And altho they forbid all other Scotts then those of their Company to touch on any Plantations which they shall acquire on pains of confiscation yet they allow all such Scotts to Trade in Tobacco & Sugar

else where that is to say amongst the English) They paying for what they so bring home such Duties as are now established in Scotland.

By all which it may be presumed how they project to let themselves into the Trade of all his Majesties Plantations and tis probable they meditate either the purchasing a settlement in one of the 3 lower Countys of Newcastle Kent or Sussex on the Southern Shore of Delaware Bay as being no part or parcell of the land granted to Mr Pen in his Province of Pensilvania or in some one or more Islands nigh the Continent by which Expedient if acquired they might in a short time make a staple not only of all sorts of European Manufactures but also of the enumerated Plantation Commodities even as it is this day practiced with great abuse at the Small Dutch Island of Carasaw.

Wherefore for prevention of so great a mischeife to England tis humbly proposed

1st That the south part of Carolina and all the Bahama Islands be put under His Majesties immediate authority

2nd That North Carolina be annexed and put under the care and inspection of his Majesties Governor of Virginia thereby to prevent the shipping off the Merchantable Tobacco growing in the Southern part of the Territorys by the Inletts of Corrituck and Roanoak

3. That the 3 lower Counties of New Castle Kent and Sussex aforesaid lying upon the southern shore of Delaware Bay be annexed to his Majesties Government in Maryland which will likewise prevent the shipping of the Merchantable Tobacco growing at the Head of Chesepeek bay near Bohemia and Sassafras Rivers into Appaquimine River in Delaware Bay as also the importing European Goods by that passage to Maryland both which Evills have been but too much practiced.

4. That the Province of West Jersey be annexed to the Government of the Province of Pensilvania and an active Governor there appointed such a one as is qualified to uphold the Act of Trade for as things now hang the charge to mainteyn able Officers on both sides the Bay from Bredlington in West Jersey to Hosekell in Sussex County nigh Cape Len Lopen with men and boats &c: will not be defrayed for 800lb a year for the Trade of that River being now carried on by Scotch men and Privateers Inhabitants in Pensilvania East and West Jersey which ly between Maryland and New York (in the very center of Trade and business) all is exposed and lys open to Traders from all places and can not be secured but by a great charge or very Regular Government:

5. That the Province of East Jersey be annexed to his Majesties Government in the Province of New York as it hath been formerly and

in like manner the Colony of Conecticut for this would wholy prevent the Great Importation of European Goods too frequently made even by countenance of those two Colonys.

6. That the Collonies of Rhode Island now under no regular Government be as formerly joyned to his Majesties Government in the Province of the Massachusetts Bay in New England.

7. That no Projection Planter or other person whatsoever presume to alien or transfer any Island Plantation &c: to any Scotch Agent Factor or other Forreigner whatsoever under the Penalty of High Treason the whole Tract from 32 to 44 being his Majesties Dominion and annexed to the Crown of England.

But foras much as severall of the Plantations hereunder mentioned have Proprietors and Owners by Letters Pattents and some small colonies are established by Charters where the Persons concerned may not apprehend the danger that is threatened by the new law in Scotland and so refuse to conforme to what in that consideration only is hereby humbly proposed as to the annexing Governments yet in point of security to England all the Benefitts of the Plantations Trade to which by law they stand bound I think where any shall refuse in this time of danger to accept his Majesties Governmen[t] they should be obliged both to accept and mainteyn such officers as may be needful to preserve the Trade to England and the Deputys to his Majesty

All which is humbly submitted by

ED: RANDOLPH S. G.

December 7th 1695.

AT Y[e] GEN[ell] COURT HOLDEN AT Y[e] HOUSE OF THOMAS WHITE Y[e] 25th DAY OF FFEBRUARY A[no] D[ni] 1694[5]

Pres[nt] y[e] Hon[ble] Thomas Harvey esq[r] Dep[ty] Gov[nr] The Hon[ble] Dan[l] Akehurst esq[r] Benjamin Lakar esq[r] ffrancis Tomes esq[r] Coll Thomas Pollock L[ds] Deputys Capt Anthony Dawson assistant And Sam[l] Swann esq[r] L[d] Deputy

John Wilson acknowledgeth his assignm[t] of a warrant of Rights to Wm Duckenfield esq[r] and Margret his wife relinquisheth her right of Dower

Anne Ward peticons for administracon of y[e] Goods and Chattells of ffrancis Ward her dec[d] husband

Order[d] y[t] Comission of administracon of y[e] Goods and Chattells of ffrancis Ward dec[d] be granted to Anne Ward Wid & rel[ct] of y[e] s[d] ffrancis

Ward Shee giving security according to law: and Wm̄ Bray and Jn° Dan acknowledge and Ingage in behalf of ye s^d^ An Ward to be security for the true administracon of ye s^d^ estate.

And Henry Palin Jn° Ward Jn° Gilford and Cornelius Lerry or any three of y^m^ are appointed apprisers of ye s^d^ estate and M^r^ Wm̄ Collings or M^r^ Jn° Hawkins to administer to ye s^d^ Apprisers their oath for their true apprisement and ye Inventory to be returned to ye next Gen^ell^ Court

Wm̄ Duckenfield esq^r^ acknowledgeth his letter of Attorney to Jn° Northcoate. Ordered y^t^ ye same be recorded.

Letter of Attorney from Robert Kitching to ffrances his wife proved by ye Oaths of Thurloe ffee and Michael Linch

ffrances Kitching wife and Attorney of Robert Kitching confesseth Judgm^t^ to ffrancis Tomes esq^r^ Attorney of Emanuel Low and Anne his wife for ye sume of five pounds and three pence

Ordered y^t^ ye s^d^ Robert Kitching pay unto ye s^d^ ffrancis Tomes Attorney of Emanuel Low and Anne his wife ye sum of five pounds and three pence according to specialty als Execution

A Will of Jonathan Bateman proved by ye evidence And ordered to be recorded

And Elizabeth Bateman Widdow and Rel^t^ of ye s^d^ Jonathan Bateman declining her legacy given in the s^d^ Will and craving to have her thirds of her deceased husbands estatate. Ordered y^t^ the said Elizabeth Bateman have her thirds of her s^d^ husbands estate and ye remain to be divided among ye rest of the Legatees and that administracon wth ye Will anexed to be granted to ye Executor appointed in ye s^d^ Will and y^t^ Jn° Whitby Tho. Durant ffrancis ffoster and Mr Joseph Sutton or any three of y^m^ apprise ye sd estate and that M^r^ Jn° Durant or Mr Ralfe fflecher administer to ye s^d^ apprisors their Oathes and acc^t^ of ye s^d^ estate to be given to ye next Gen^ell^ Court And Jno. Lilly and Thomas Hassold have undertaken for ye s^d^ Executor for the true ℔formance herof

Jacob Overman proves his right to four hundred acres of land by ye importacon of Jacob Overman Dorathy Overman Jacob Overman jun^r^ Tho Overman Ephrim Overman Margery Overman Charles Overman and Anne Overman & War^t^ Given

Thurloe ffee sumoned to render acc^t^ of what estate of or belonging to Jn° Toomy was in his custody it being attached at ye sute of Thomas White and Diana his wife and ye s^d^ Thurloe ffee came and upon ye holy Evangelists sath that at ye time of the serving of the s^d^ attachm^t^ there was in his hands or custody noe estate of or belonging to ye said Jn° Toomy

Ordered y^t ye sute be dismissed and y^t ye s^d Thomas White and Diana his wife pay costs of sute.

Robert Kitching arrested to answer ye sute of Thomas White and Diana his wife in a plea of ye case and ye s^d Thomas White came and saith y^t ye s^d Robert Kitching is Indebted to ye plaintifs by acc^t contracted wth ye s^d Diana whilest shee was sole the sume of forty five shillings and nine pence half peny. And ffrances wife and Attorney of ye s^d Robert Kitching came and confesseth Judgem^t for ye s^d sume

Ordered y^t ye said Robert Kitching pay unto ye s^d Thomas White and Diana his wife ye sume of forty five shillings and nine pence wth costs als Execu.

Robert Kitching and ffrances his wife Executors in their owne wrong of ye estate of Jno Spencer dec^d arrested to answer ye plaint of Thomas White and Diana his wife in a plea of ye case and ye said Thomas White came and saith y^t ye said Jno Spencer is indebted to ye plaintif by acc^t contracted wth ye said Diana whilest she was sole ye sume sixty three shillings and one peny And ffrances Kitching one of ye defend^ts came and produceth in C^rt an acc^t ag^st Jno Harris Copartner wth the s^d Diana in Ballance of ye s^d Acc^t

Ordered that ye sute be dismissed with costs of sute

Isaac Gilford by his peticon sheweth y^t Jno Philpott was Justly indebted unto ye Peticoner by agreem^t for service done by ye said Gilford the of forty shillings

Ordered y^t Isaac Gilford have one cow and calfe and one ye earling delivered to him by the Provost Marshall or whom he shall appoint out of the estate of ye s^d Philpott for satisfaction of ye debt of forty shillings aforesaid

The Court adjourned till Tuisday ye 26th of this Instant ffeb.

ffeb ye 26

The Court meet Pre^snt The Hon^ebl Thomas Harvey esq^r Dep^ty Govern^r ye Hon^ebl Danl Akehurst esq^r Benj LaKar esq^r ffrancis Tomes esq^r Maj^r Saml Swann Col Tho. Pollock Ld Deputy^s Capt Antony Dawson Assitant

Upon peticon of Mary Philpot craving that some Apparel that are in ye Custody of ye Marshall should be delivered to her

Ordered that the Marshall deliver to Mary Philpott w^t Apparel belonging to her are in his custody and her choice of three sows wth piggs altering ye marks

Upon petic̄on of Jn° Robison Merch^t praying to be discharged from and Adminsitrac̄on comitted to him of ye estate of Jn° Philpott dec^d and he renders his acc^t soe far as he hath administered Whereby he is Indebted to ye estate of ye s^d Jn° Philpott ye sume of seven shillings and six pence ye said Jn° Robison being a Merch^t stranger and necessitated to depart out of ye province And ye Hon^eble Danl Akehurst esq^t Attorney of Nathaniel Dunscom in behalfe of ye s^d Dunscom prayeth administrac̄on of estate of ye s^d Jn° Philpot not administered upon as being ye greatest creditor to the said estate And assumeth in behalfe of ye said Nathan^l Dunscom to answer all actions comences ag^st ye s^d Jn° Robison as administrator to ye s^d estate and all other claimes so far as ye said Robison was obliged to doe. Ordered y^t ye administrac̄on of ye Estate of Jn° Philpot dec^d not administred upon be committed to ye s^d Nathaniel Dunscom and ye said Danl Akehurst undertakes in behalfe of ye said Nathan^l Dunscom for ye true performance thereof.

Jn° Toomy arrested to answer ye plaint of Robert Moline in a plea of ye case and ye said Robert Moline came and saith that Wheras Thomas King was justly Indebted to ye Plaintif ye sume of ten pounds by Bill acc^t ye said Jn° Toomy of ye premises not ignorant but wth Intent ye Plaintif to defraud clandestinly hath conveyed ye s^d King out of this County that he ye said King is escaped and gone to places to ye plaintif unknowne whereby he is deprived of all just means of recovering his s^d debt and is Damnified ye sum of fifteen pounds. And ye s^d Jn° Toomy came and by his Attorney Mr Richard Plater defendeth ye Injury and saith that he ye said Jn° Toomy hath not conveyed out of this County as ye plaintif hath aleged and of this he casteth himself upon the Country and ye said Moline like wise Wherefore ye Marshall is required y^t he cause to come here twelve true and lawfull men of ye vicinage and who to neither of the parties are any ways related by whom the truth of the matter may be tryed who Impanelled and sworne viz.

Evidence for ye plantife Thurloe ffee & Wm. Collings Charle Neal	Thomas Miller foreman John Lilly Thomas Nichols, Arthure Carleton Christopher Butler Jacob Overman
Mr Rich Plater Attor: for defend^t	ffrancis Hendrick, Wm Bray, Jn° Wilson, Wm Collings Jn° Dan Thurloe ffee.

Say upon their oath We finde noe cause of Action.

Ordered y^t ye sute be dismissed and y^t ye said Robert Moline pay costs of sute als Execution.

Richard Pope arrested to answer ye sute of Lawrence Mageo and Mary his wife Guardians of W̄m Battle son and heir of John Battle dec^d in a plea of trespas of ye case And ye Plantf by their Attor^a M^r

Andrew Ros saith y^t ye s^d Richard Pope in or about ye year 1691 into one plantacon and two hundred and twenty seven acres of land to ye said Wm Battle belonging lying and being in Pascotanck p^rc^t in Newbegun Creeke unlawfully hath entered and the said Wm Battle hath desseized and many Injurys thereon hath done and still doth Comit to ye damage of ye s^d Wm Battle one hundred pounds And ye said Rich Pope by Mr Jno Porter his Attorney Defends ye Injury and saith y^t ye said land is not ye land of ye said W̄m Battle as ye Plaint^fs have aleged and in this he casteth himselfe upon ye Country and ye Plaintifs likewise. Wherefore ye Marshall is required to cause to come here twelve true and lawfull men of ye vicinage and who to neither party are related by whom y^o truth of ye matter may be known who Impanelled and sworne. viz

Evidence for plaintf Jno Lilly

Mr Caleb Calloway Jno Mason Mr Jno Godfrey, Hanaball Haskins Jno Halford. Tho. Durant, Wm Gaskin Esaw Albertson Rober Moline W̄m Mansell Jno Willoughby Tho Miller

Say upon their oath we finde for ye Plaintif the lands he declares for wth cost of sute.

And ye said Richard Pope craves y^t all further Proceedings at Comon Law be stayed untill a full hearing thereof be had in ye Hon^ebl Court of Chancery

Ordered y^t ye proceedings in ye said action be stoped as afforesaid ye s^d Richard Pope giving security to prosecute his appeal Et retraxit.

Willm Steel arrested to answer ye Plaint of Thomas White and Diana his wife in a plea of ye case. And ye said Thomas White came and saith that ye said W̄m Steel is Indebted to ye Plaintf by acc^t contracted wth ye s^d Diana whilest she was sole ye sume of four pounds fifteen shillings and ten pence And ye said Wm Steel came not

Ordered y^t ye Marshall have here ye Body of ye s^d Wm Steel ye first day of the next Gen^ell Court to answer ye Premises. als Judgem^t to be confirmed agst. ye Marshall.

Nathan^l Lawson arrested to answer ye sute of Thomas White and Diana his wife in a plea of the case and ye said White came and saith that the said Nathaniel Lawson is by acc^t contracted wth ye s^d Diana whilest shee was sole is indebted to the Plaintif ye sume of three pounds seventeen shillings and nine pence. And ye s^d Lawson came and saith that since ye date of ye s^d acc^t he ye s^d Nathaniel Lawson accounted wth Jno Harris Copartner wth ye s^d Diana one of ye Plaintifs and passed his bill to the s^d Jno Harris for y^e true ballance of their acc^t And y^e Bill being produced by wch it appeareth y^t y^e said bill beareth date after y^e s^d

acc^{t} Ordered y^{t} the sute be dismissed and y^{t} y^{e} said Thomas White and Diana his wife pay costs of sute.

Upon y^{e} Peti$\bar{c}$on of Elizabeth y^{e} wife of W$\bar{m}$ Bartlif Robert Molin and Prudence Hallum sworne Evidences for y^{e} s^{d} Wm Bartlif in his complaint vers James Mills. Whereby Itt appeareth that y^{e} said Mills had made an agreem^{t} wth y^{e} s^{d} W$\bar{m}$ Bartlife for y^{e} s^{d} Bartlif's freedom

Ordered y^{t} y^{e} s^{d} Wm Bartlif be free from all service to y^{e} s^{d} James Mills and y^{t} y^{e} said James Mills be left to his remidy at law agst y^{e} said W$\bar{m}$ Bartlif for y^{e} p̄formance of y^{e} said agreem^{t}

Upon y^{e} Peticon of Jonathan Bateman administrator wth y^{e} will anexed of y^{e} Goods and chattells of Jonathan Bateman dec^{d} praying to have y^{e} keyes belonging to y^{e} s^{d} Estate delivered to him

Ordered y^{t} Elizabeth Wid and relict of the said Jonathan Bateman dec^{d} deliver to Jonathan Bateman in ye capacity afores^{d} whatsoever to him belongeth as administrator wth ye will anexed of his s^{d} dec^{d} father's estate.

Patrick Henley and Sarah his wife Executrix of ye last Will and testam^{t} of Jno Culpeper dec^{d} arest^{d} to answer Mr Rich. Plater Attorney of Col Saml Shrimpton of New England in a plea of Debt. And ye said Rich Plater came and saith y^{t} y^{e} defend^{ts} are justly indebted to y^{e} Plaintf qualifyed as is afores^{d} y^{e} sum of seventy three pounds fifteen shillings and three pence by Bill and y^{e} s^{d} Pa. Henley came and defends y^{e} sute and craves Over of y^{e} said Bill wch being read specifying y^{e} said su$\bar{m}$ haveing a seal annexed and signed wth y^{e} name of Jno Culpeper Dated y^{e} 24th day of Septimber Ano Dni 1678 the s^{d} Patr. Henley pleads Non est factum and casteth himselfe upon the Country and y^{e} s^{d} Plater alsoe Wherefore y^{e} Marshall is comanded to cause to come twelve true and lawfull men of y^{e} vicinage and who to neither of y^{e} partys are related who Impanelled and sworne viz

Mr Tho Miller fforeman
Jno Lilly Tho. Nichols, Arthure
Carleton Christopher Butler
Jacob Overman, ffraneis
Hendrick, W$\bar{m}$ Bray, Thurloe
ffee, W$\bar{m}$ Collings John Dan
Jno Wilson

Say upon their oath We of y^{e} Jury finde noe cause of Action

Ordered y^{t} y^{e} sute be dismissed and y^{t} y^{e} s^{d} Richard Plater pay costs of sute als Execution

Mr Nicholas Crisp prayeth y^{t} y^{e} administra$\bar{c}$on of y^{e} Goods and Chattells of Robert Jones dec^{d} may be comitted to him as greatest creditor to y^{e} s^{d} estate Noe one appearing in behalfe of y^{e} s^{d} Robert Jones

Ordered y^t y^e administracon of y^e Goods and Chattells of Robert Jones dec^d be comitted to Mr Nicholas Crisp, and Mr Thomas Blount & Mr Christopher Butler undertake on behalfe of ye s^d Nicholas Crisp for ye Performance thereof. Jame ffarloe Lewis Williams Wm Luerton Jno Ballerd or any three of them are appointed apprisers of ye s^d estate to be sworne before befor Mr Thomas Luten

Charles Taylor acknowledgeth his deed of sale of one hundred thirty two acres of land lying on little river in Pequimons p^rct to Jacob Overman

Mary Philpot Widdow acknowledgeth her assignem^t of a bill of sale of one hundred acres of land lying in ye fforke of fflemins Creek and Wm Bray

Upon Peticon of Coll Thomas Pollock Attorney of Coll Jno Lear

Ordered y^t ye s^d Thomas Pollock have liberty to ship: of What porke is in his custody belonging to ye s^d Coll Jno Lear as Marying ye Widdow & Exectrix of ye Hon^ebl Seth Sothell Esqr dec^d

Thomas Twiddy arrested to answer ye sute of Thomas White and Diana his wife in a plea of ye case and ye s^d White came to prosecute his sute And the s^d Thomas Twiddy came not.

Ordered y^t ye Marshall have here the Body of the said Thomas Twiddy ye first day of the next Gen^ell Court to answer ye said Plaint als Judgem^t to be confirmed ag^st ye Marshall

Jacob Devilliard arrested to answer ye sute of Tho: White in a plea of Debt and ye said Jacob Devilliard came not. And ye said Tho: White craves Judgem^t ag^st ye Marshall Ordered y^t ye Marshall have here ye Body the said Jacob Devilliard to answer ye Plaint of Thomas White ye first day of next Gen^ell Court als Judgem^t to be confirmed against the Marshall

Upon ye Peticon of Hon^ell Thomas Harvey esq^r Orderd y^t Wm ye son of Timothy Pead late of the County of Albemarle Dec^d being left destitute be bound unto ye s^d Thomas Harvey esq^r and Sarah his wife untill he be at ye age of twenty one years and the said Thomas Harvey to teach him to read

The Court adjourned till ye Morrow morning seven of ye Clock

ffebruary ye 27

The Court Meet and Present The Honer^ble Thomas Harvey Esqr dep Govern^r Hon^ebl Danl Akehurst, Benjamin Lakar ffrancis Tomes Maj^r Saml Swann Coll Tho. Pollock Esqr L^ds Deputys Capt Anthony Dawson Assistant

Upon Peticon of Thomas Twiddy Ordered that Administracon of ye Goods and Chattells of Thomas Wingod dec^d^ be comitted to ye said Thomas Twiddy And Jno Northcoat Wm Godfrey ffrancis Penrice Albert Albertson junr are appointed apprisers of ye s^d^ estate to be sworne before Mr Jno Godfrey And Hanaball Haskins and Robert Moline undertake on behalfe of ye said Thomas Twiddy for ye true p^r^formance thereof.

Robert Moline arrested to answer ye sute of Thomas White and Diana his wife in a plea of ye case and ye s^d^ Thomas White cometh and saith that ye said Robert Moline is Indebted to ye Plaintif by his acc^t^ contracted wth ye said Diana Whilest shee was sole ye sum of four pounds seven shillings and one penny and he produceth his account And ye said Robert Moline cometh and produceth an Account in ballance of ye acc^t^ brought against him by ye said Thomas White by wch it appeares that there is due to ye said Thomas White and Diana his wife ye sum of twelve shillings And ye said Moline upon his Oath further saith that upon demand made by ye said Thomas White he the said Robert Moline tendered his acc^t^ wth paym^t^ of ye Ballance.

Ordered y^t^ ye sute be dismissed and y^t^ the s^d^ Thomas White and Diana his wife pay costs of sute ali^s^ Execution

Robert Moline arrested to answer ye sute of Thomas White and Diana his wife in a plea of ye case And ye said Thomas White came and saith that the said Robert Moline is Indebted to ye Plaintifs ye sum of thirty six shillings by bill passed to ye said Diana one of ye Plaintifs Whilst shee was sole upon ye acc^t^ of Thomas King and further saith that ye said Robert Moline did assume and Promis to pay upon ye acc^t^ of ye said Thomas King w^t^ further acc^t^ ye said Thomas King should contract And ye said Robert Moline cometh and saith as to ye Bill for thirty six shillings he confesseth to be due to ye Plaintif and to ye assumption afores^d^ in behalf of the s^d^ Thomas King the said Robert Moline saith that he hath not assumed as is aleged And ye said Thomas White saith that concerning ye assumption of ye s^d^ acc^t^ he will noe further proceed

Ordered y^t^ the said Robert Moline pay unto ye the said Thomas White and Diana his wife the sum of thirty six shillings in porke alias Execution.

John King arrested to answer Patrick Bayly in a plea of Debt and ye said Patrick Bayly came and saith y^t^ ye sd John is justly Indebted to ye Plaintif ye sume of thirty pounds ten shillings and five pence in porke by bill And ye said Jno King cometh and confesseth Judgem^t^ for the same Ordered y^t^ the said Jno King pay unto ye s^d^ Patrick Bayley ye sum of thirty pounds ten shills and five pence in porke ali^s^ Execution

Thomas White and Diana his wife brings their action agst David Blake in a plea of ye case and ye Marshall is required to arrest the said David Blake to answer ye said Plaint and ye Marshall maketh returne y^{t} ye s^{d} David Blake is not to be found

Ordered y^{t} Attachment be given against ye estate of ye said David Blake and returne to be made to ye Next Gen^{ell} Court.

Mr Patrick Bayley acknowledgeth his deed of sale of a tract of land unto Jno King

Richard Plater arrested to answer ye sute of Thomas White and Diana his wife in a plea of the Case and ye s^{d} Richard Plater cometh not

Ordered y^{t} ye Marshall have here ye Body of ye said Richard Plater ye first day of ye next Gen^{ell} Court to answer ye said Plaint Alias Judgement to be confirmed agst ye Marshall

Thomas White arrested to answer ye sute of Mr Edw: Mayo in a plea of Debt and ye said Thomas White cometh and saith that noe declaration of the said action hath been delivered to him as by law is provideth and thereupon craveth a nonsute.

Ordered that ye action ffall and ye said Edw. Mayo pay costs of sute ali^{s} Execution.

Thomas White arrested to answer ye sute of Thomas Hassold in a plea of Debt and ye said Thomas White came and saith that ye declaration delivered to him by ye s^{d} Hassold is not signed by the Plaintif nor by ye Clerk according to rule and therupon he craveth a nonsute

Ordered that ye sute ffall and y^{t} ye said Tho. Hassold pay costs als Execution

Thomas Hassold arrested to answer ye sute of ffrancis ffoster in a plea of Debt and ye said ffrancis ffoster came not.

Ordered y^{t} ye sute be dismissed and y^{t} the said ffrancis ffoster pay costs of sute ali^{s} Execut^{n}

The Estate of Henry carpenter attached to answer ye plaint of John Tweggar and ye s^{d} Jno Tweggar came not

Ordered y^{t} ye said sute ffall and that the said Jno Tweggar pay costs of sute.

A letter of Attorney from Nathaniel Dunscom to ye Hon^{bl} Danl Akehurst esq^{r} proved by ye oath of Mary Jenings Ord. to be recorded

A Letter of Attorney from Barbary Midleton to Patrick Henley proved by ye Oaths of Richard Pope and ye Hon^{ebl} Danl Akehurst esq^{r}

A Nancup^{t} Will of Mrs Anne Durant proved by the oath of Jno Clapper and Elinor Moline

Ordered that a Probat of ye s^{d} Will be granted to Thomas Durant who is appointed Executor of ye said Will

Ordered y^t Jn° Halford be appointed appriser of ye estate of Mr Geo Durant instead of Jonathan Bateman dec^d to be sworne befor Jn° Godfrey or Wm̄ Duckenfield esq^r

Wm̄ Currey proves by his oath an acct ag^st the estate of George Durant and appointeth Thomas Tweddy his Attorney

The Court adjourned.

MARCH Y^e FFIRST

The Court meet Presn. The Hon^ebl Tho. Harvey esq^r Dep Govern^r The Hon^ebl Danl Akehurst Benj Lakar ffrancis Tomes Maj^r Saml Swann Col Tho: Pollock esq^r Ld^s Deputys Capt Anthony Dawson M^r Wm̄ Duckenfield assistants

Mr Duckenfield riseth } Patrick Henley and Sarah his wife Executrix of ye last Will

and testam^t of Mr John Culpeper dec^d

Arrested to answer ye sute of Wm̄ Duckenfield and Susanah his wife Executrix of ye last Will and testam^t of Coll ffrancis Heartly And ye said Wm̄ Duckenfield cometh by Hanaball Haskins his Attorney and saith y^t ye said Patrick Henley and Sarah his wife is indebted to ye Plan^t by acc^t contracted by ye said Jn° Culpeper in his life time wth ye s^d ffrancis Heartly in his life time ye sum̄ of Eleven pounds seventeen shillings five pence half peny and ye said Patrick Henley craves Oyer of ye s^d acc^t wch being read bearing date Ano 1689–90 ye said Henley saith that after ye date of ye said acc^t viz. Ano 1690–91 ye said Jn° Culpeper had from ye s^d ffrancis Heartly a full discharge from all former acc^ts wch by ye said discharge produced in Court he maketh appear

Ordered y^t ye sute be dismissed and y^t ye said Wm̄ Duckenfield and Susanah his wife pay costs al^s Execution

And ye s^d Patrick Henley prayeth his said discharge from ye s^d ffrancis Heartley to be recorded

Jn° Robison Adm^rs of ye Goods and chattells of Jn° Philpot arrested to answer Rich Cragge in a plea of Debt and ye said Richard Cragge cometh and saith y^t ye said John Philpot by bill under his hand is bound unto ye Plaint. in ye sume of four pounds ten shillings in porke wch he proves by ye Oathes of Mathew Kelly and Wm̄ Plater. And ye Hon^ebl Danl Akehurst esq^r attor of Nathaniel Dunscom to whom ye adiution of ye said John Philpotts estate not administered upon is comitted according to his assumption in that case made in behalfe of ye s^d Dunscom appears and haveing not to say in defence

Ordered that paym^t of ye sume of four pounds ten shillings in porke wth costs be made to the said Richard Cragge out of the estate of ye said Jn° Philpott

Mr Andrew Ros Jn° Stepney Tho. Lepper An: Norman Coll Wm Wilkison Capt Henderson Walker and Anthony Dawson their affidavits taken for Majr Alexander Lillington defend in an action of trespas of the case brought agst him by Mr Caleb Calaway and Mr Jn° Barrows Guardians of Jn° Hencock son and heir of Stephen Hencock decd

Administracon of ye estate of Richard Stibell Ordered to be comitted to James Ward and Hanah his wife relict of ye sd Richard Stibell being nearest of kin

James ffisher, Wm Charleton Thomas Clarke and Wm Bretbell or any three of them being sworne before Mr Jn° Porter junr are appointed to apprise the same

And Christopher Butler and Jn° ffoster assume and undertake in behalf of ye sd Ward in ye sume of one hundred pounds for ye prformance

The Administracon of ye estate of Timothy Pead decd ordered to be comitted to Majr Alexandr Lillington as greatest creditor who proves by his oath yt ye sd Pead oweth him by acct ye sume of four pounds five shillings and ten pence halfepeny

Edw. Wilson Jn° Spelman Jn° Cheston and Richard Davenport or any three of them being sworne before Mr Jn° Barrow to apprise the same. And Mr. Rich. Pope on behalfe of ye said Alexander Lillington undertaketh in ye penall sum of forty pounds for the true ꝑformance thereof

Mr Jn° Porter junr Danl Akehurst Esqr & ffrancis Tomes esqr sworne to prove ye said ffrancis Tomes acct agst yᵉ estate of Seth Sothell Esqr

Ordered yt Thomas White pay unto Esaw Albertson being evidence for White vers Bishop and Sudell ye sum of five shillings and ten pence

Caleb Callaway and Jn° Barrow Guardians of Jn° Hencock son and heir of Stephen Hencock decd versus Majr Alexander Lillington in a plea of trespas of ye case referred to ye first day of the next Genell Court by consent of both partys.

Coll Thomas Pollock enters his peticon agst the estate of Thomas Hawkins Decd for ye sume of ten pounds four shillings in skins to be paid at ye Virginia rate and prayeth yt upon ye neglect of ye nearest of kin he may have administracon of his estate

Patriek Henley and Sarah his wife Executrix of the last will and testamt of Jn° Culpeper decd arrested to answer ye sute of Capt Jn° Hunt Attorney of Anthony Brockhos of New Yorke in a plea of the case and ye sd Jn° Hunt saith yt ye said Jn° Culpeper hath received by order of Thomas Clancy upon ye acct of ye said Anthony Brockhos and James Larkin certain goods to ye value of forty five pounds Eighteen shills and six pence and ye said Patrick Henley saith that ye goods he hath received as is aleged and his reasonable acct thereof he is ready to

render but ye s^d^ Jn° Hunt haveing noe authority from ye said James Larkin to whom parte of the s^d^ Goods did belong he cannot answer the said sute

Ordered that ye sute fall and that the said Jn° Hunt pay costs of sute

Charles Jones versus Richard Atkins Executor of the last will and testam^t^ of James Johnson returned Non est Inventus and ye said Charles Jones came not Order^d^ y^t^ ye sute be dismissed wth costs of sute.

Jn° Clapper by Warr^t^ from ye Grand Councell is brought before this Court to answer a complaint Exhibited ag^st^ him for his Misbehaviour and abusive language Especially ag^st^ ye Hon^ebl^ Thomas Harvey esq^r^ Dep Govern^r^ etc of this Province etc:

Ordered y^t^ ye s^d^ Jn° Clapper shall publickly upon his knees crave ye Hon^ell^ Deputy Governors Pardon and give bond for his good abearing and appearance at ye Next Gen^ell^ Court.

Coll Wm̄ Wilkison craveth that a Caveat be entered on his behalfe ag^st^ ye estate of Thomas Hawkins dec^d^

Maj^r^ Saml Swann surveyor of this province brings his sute against Benjamin Lakar Esqr for and that ye said Benjamin Lakar refuseth to render ye sum of three pounds two shillings wch is by statute due to ye said Saml Swann from ye said Benjamin Lakar viz forty shillings for surveying of one tract of land conteining five hundred thirty eight acres and twenty two shillings for surveying four hundred acres belonging to ye said Benjamin Lakar being parte of a tract of land containing fifteen hundred acres surveyed by ye said Saml Swann to ye end that he might lay out to every one of ye said possessors of the said tract of fifteen hundred acres their just parts And ye said Benjamin Lakar saith upon his oath that he never heard Maj^r^ Swann nor any other ℔son holding land w^th^in the said tract of fifteen hundred acres say y^t^ ye surveyor could not lay out to every one his just parte w^tb^out danger of doeing Injury to some of them Except he first surveyed the whole tract

Ordered y^t^ ye sute be dismissed and the said Saml Swann to pay costs

Upon ye Peticon of Wm Duckenfield esq^r^

Ordered y^t^ the said Wm̄ Duckenfield have liberty to survey and have patent for a tract of land containing one hundred and eighty acres formerly belonging to John Tarkinton called Tarkintons quarter and by ye said Tarkintons conviction of felony forfeited to ye L^ds^ Proprietors

Andrew Ros Attorney of Lawrence Mageo and Mary his wife Guarddians of Wm̄ Battle son and heir of Jn° Battle acknowledgeth his deed of Sale to Rich Pope.

Upon complaint of Coll Thomas Pollock Attorney Coll Jn° Lear. Ordered that noe ℔son hunt or kill any unmarked Cattle in the neck of land lying upon Cuscopannock River East of ye great swamp that divides between that and the Inhabitants of South Lancaster

THOMAS HARVEY
DANIEL AKEHURST
FFRANCIS TOMES
BENJAMIN LAKAR

RECORDS OF COURT OF CHANCERY.

1694-5 At ye Court of Chancery holden at ye house of Thomas White ye 28th of ffebruary

Pres^nt^ ye Hon^eble^ Thomas Harvey esq^r^ The Hon^hle^ Danl Akehurst Esqr Benj. Lakar ffrancis Tomes Major Saml Swann Co^ll^ Thomas Pollock L^ds^ Deputys Capt Anthony Dawson Mr Wm Duckenfield Assistants

Mr Patrick Henley sumoned to answer ye plaint of W̄m̄ Bournsby and ye said W̄m̄ Bournsby sheweth that Wheras ye said Patrick Henley had Recovered at Cōmon Law ag^st^ ye Complain^t^ ye sum of ten pounds wth costs on ye acc^t^ of some Cattle of ye said Patrick Henleys aleged to be detained by ye said Wm Bournsby ye said Wm Bonrnsby saith y^t^ the s^d^ Cattle was indeed had by ye s^d^ Henley and by him disposed of and craves that hereof ye s^d^ Patrick Henley may be examined upon his Oath concerning the premises And ye s^d^ Patrick Henley upon his oath saith that he had not killed or any wayes disposed of the three Kowes for wch he brought his action at Comon Law ag^st^ ye s^d^ Wm Bournsby and upon wch the recovery of ye said ten pounds was had

Decreed y^t^ the said W̄m̄ Bournsby pay unto the said Patrick Henley ye sum̄ of ten pounds recovered at Comon Law wth all costs of sute.

Jn° Mason sumoned to answer ye sute of W̄m̄ Bournsby and ye s^d^ Mason came and saith y^t^ the said W̄m̄ Bournsby brought his sute ag^st^ ye s^d^ Jn° Mason at the p^r^cinct Court of Pacotanck for and concerning the sale of one halfe of a vessell called ye John and Sarah in wch sute ye said W̄m̄ Bournsby recovered ag^st^ ye said Mason ye sum of twenty pounds from which judgem^t^ ye s^d^ Mason appealed to ye Gen^ell^ Court holden for this Province in September last and ye said W̄m̄ Bournsby to avoid the hearing of the matter in ye Gen^ell^ Court by an Injunction removed ye sute unto ye Court of Chancery at wch Court ye s^d^ Mason being come now saith that the s^d^ W̄m̄ Bournsby hath not filed his bill in Chancery intending to lett his sute fall haveing by such indirect meanes disappointed ye said Mason of his appeal to ye Gen^ell^ Court

Decreed y^t the order of ye Prec^t Court obteined against ye said Mason be reversed and made void and ye sute in Chancery be dismissed and ye said Wm Bournsby pay all Costs.

Patrick Henley and Sarah his wife Executrix of ye last Will and testament of Jno Culpeper dec^d sumoned to answer ye sute of Wm Duckenfield Esqr and ye said Wm Duckenfield saith that there is due to him from ye defend^ts ye sum of five pounds seven shillings for soe much money paid by the said Wm Duckenfield unto Henry Gawler in Virginia on ye acc^t of ye said Jno Culpeper in his life time for wch ye s^d Jno Culpeper assumed paym^t of ye said sum unto the said Wm Duckenfield And ye said Patrick Henley cometh and confesseth the same to be due as is aleged and assumeth paym^t of ye same in Wheat at the next insueing crop and ye said Wm Duckenfield is content to receive ye s^d sum in that specie.

Decreed y^t the s^d Patrick Henley and Sarah his wife pay unto ye s^d Wm Duckenfield the sum of five pounds and seven shillings in Wheat ali^s Execution.

Jno Hopkins sumoned to answer ye sute of Christopher Butler and ye said Jno Hopkins came and saith that whereas he ye said Hopkins had at ye last Gene^ll Court obteined judgm^t ag^st severall Goods belonging to Wm Sprag for ye satisfying of a debt due from ye said Wm Sprag to ye said Jno Hopkins in wch sute Christopher Butler appearing and pretending a title to the s^d Goods hath by an Injunction in Chancery stoped the proceedings and caused ye s^d Hopkins be sumoned to the Court of Chancery and saith further that ye s^d Christopher Butler hath not filed any bill whereto ye s^d Hopkins may answer wch appearing to be soe as is aleged

Decreed y^t ye sute be dismissed and that the said Christopher Butler pay costs of this sute and that ye former judgem^t Given ag^st the said goods be confirmed

Jno Stepney sumoned to answer the sute of Christopher Butler and ye said Stepney cometh and saith that whereas ye said Jno Stepney Obtained a judgm^t ag^st some Chattells of ye estate of Wm Sprag attached at ye sute of ye said Jno Stepney for ye satisfying of a debt due to ye said Jno Stepney from the said Wm Sprag as appeares upon Record in wch sute the said Christopher Butler Appearing and pretending title to ye said Chattells by an Injunction hath removed the sute into this Court of Chancery and caused ye s^d Jno Stepney to be sumoned to this Court in wch ye said Christopher Butler hath filed no Bill ag^st ye said Stepney wch appearing by record to be soe.

Decreed that ye sute in Chancery be dismissed and y^t^ ye said Christopher Butler pay costs and that ye former judgem^t^ upon the attachm^t^ be confirmed

THOMAS HARVEY
DANIEL AKEHURST
BENJAMIN LAKAR
THOMAS POLLOCK
SAMUEL SWANN

RECORD BY ORDER OF COURT

The first of ye 3 month 1682

		£. S. d
March 17	Governor Seth Sothell is Debt^r^ To 5 Barr^ls^ of Corne to Jno Blany by this order to Danl Akehurst to me to pay as by their notes will appear	02 01 08
	to one p^r^ of Wool cards	00 02 06
	to one p^r^ of Trucks	00 05 00
		02 09 02

In ye 6th Moneth 8th or therabouts

Wm Gosnell is D^r^ for 2 p^r^ of shoes	00 08 04
to one pott of Butter about 8 gall	01 15 00
to 45 pounds of Bacon at	00 19 00
to 2 barrells of Indian Corne	00 16 08
to one bottle of Honey	00 02 00
to one Holand Handkerchif	00 02 00
	04 03 00

All wch I had Govern^r^ Sothells word for to pay me after W$\bar{m}$ Gosnell was dead

I the subscriber doe declare on y^e^ penalty of Perjury y^t^ y^e^ p^r^ of woolcards and trucks were delivered to Seth Sothell as alsoe y^t^ Mr Gosnell had what is charged to his acct^t^ and y^t^ I never had any part or p^r^cell of y^e^ same

FFRANCIS TOMES

Sworne before y^e^ Gen^ell^ Court
ye 28 of ffeb 1694
W. GLOVER Clrk

I doe testify that Seth Sothell desired me to give ffrancis Tomes an acc^{t} of w^{t} money was due to Blany from Seth Sothell for ye ffreight of his goods from Quipoton to this place Accordingly I by a Noat ordered ffrancis Tomes to pay to Jno Blaney five barrells of corne for ye freight of his goods the wch Corne by a recep^{t} under Blanys hand I find ye said ffrancis Tomes did pay to ye truth hereof I doe subscribe ye 28th of ffeb 1694–5

DAN^{l} AKEHURST

Sworne in ye Gen^{ell} Court feb 28 1694

W. GLOVER Clerk.

The deposition of Jno Porter Junr aged 30 yeares or thereabout Examined and Sworne saith

That sometime in or about ye moneth of November in ye year 1693 Governor Sothel and ffrancis Tomes was at the depon^{ts} fathers house in ye Pree^{t} of Chowan in North Carolina and Governor Sothell haveing brought a box of goods to this depon^{ts} fathers aforesaid wch box this depon^{t} did then understand to belong to Mrs Elizabeth Banks of London and was sent her by her brother Wm Tompson of London to her then living in Carolina by the s^{d} Governor Sothell wch box as I understood at y^{t} time by their discourse was opened before the delivery of ye same to Mr Tomes Mrs Eliz. Banks Attorney and some of ye Pertieulars taken out as a p^{r}cel of Narrow lace wch Mr Sothell owned he had and brought some of the lace sewed to headlinnen wch he said was done by his wife and alsoe Mr Tomes demanded of Mr Sothell two Guinys wch was alsoe in ye s^{d} Box to wch Mr Sothell replyed that he was goeing for England and that he would acc^{t} wth Mr Thompson for them wth some other things then discoursed of between them wch this depon^{t} doth not at p^{r}sent remember this being ye discourse wch at the afore^{sd} time and place past in ye hearing of this depon^{t} between Seth Sothell & M^{r} ffrancis Tomes Attorney of Mrs Eliz Baneks to ye best of his memory. Witness my hand this 28th day of ffeb 1694–5

JN^{o} PORTER Junr

Sworne before ye Gen^{ell} Court
ye 28th of ffeb 1694
W. GLOVER Crk

1696.

[B. P. R. O. Colonial Entry Book. Vol. 100. p. 376.]

CIRCULAR LETTER FROM LORDS OF THE PRIVY COUNCIL TO THE GOV^{rs} IN THE PLANTATIONS 13 FEBRUARY 1695–6.

After Our very hearty commendations

Wheras the Lords spirituall & temporall with the Commons assembled in Parliam^{t} have by their late Address represented to His Majesty the obstructions that will unavoidably accrue to the trade and navigation of this Kingdome by an Act lately passed in Scotland for erecting a company to trade from thence to India Africa and America a copy of which Act and the Address of the Lords and Commons with Her Maj. gracious answer thereupon You will receive from the Comm^{rs} of his Maj. Customes together with a letter from the said Comm^{rs} recommending to your care the vigorous execution of the several laws made here in England for the security of the Plantation trade And to see that the Officers of the Comm^{rs} of the Customes within your government do strictly pursue their duties according to the said Laws & further reminding you of what is by the said laws more especially required at your hands for the better securing the Plantation trade to this nation Wee have received his Maj. comands to let you know that his Maj. being very sensible how prejudicial the said Act past in Scotland may be to the trade & commerce of this Kingdome as well to his Maj. Plantations as to other parts his Majesty expects from you not only a strict performance of what is recomended to your care by the Com^{rs} of the Customes in their said letter as the best means to remedy the said inconveniences for the present but that you also use your utmost endeavours that the Laws of Trade and Navigation of this Kingdome may be duly and strictly executed within your government as well by what countenance and assistance you may give to the Officers of the Com^{rs} of the Customes in this behalf as by all other ways and means whatsoever that you may use whereby the ill consequences of the said Act past in Scotland to the trade and navigation of this kingdome may be avoided in all which his Maj expects a strict compliance from you according to your duty as you will answer the contrary And so Wee bid you very heartily farewell From the Councill Chamber at

Kensington this thirteenth day of February 1695-6 in the eighth year of his Maj.ᵗ Reigne

Your very loving Friends

MONMOUTH	PEMBROKE C. P. S.
STANFORD	DEVONSHIRE
TANKERVILLE	DORSETT
DURSLEY	BRIDGEWATER
	JOHN NICHOLAS.

[B. P. R. O. Va. Council. B. T. Va. 58.]

AT A COUNCIL HELD AT JAMES CITY THE 13th OF FEBʳʸ 1696

Present.

His Excellency Sʳ Edmund Andros Knt Governor Nathaniel Mack by his petition Complaining to his Excellency that Wᵐ Fullwood being indebted to him one hundred pounds sterˡ and the said Fullwood having illegally departed this Government the said Macklanshaw caused the goods of the said Fullwood being in an Island called Crow Island patented and held since the first settlement of this Colony to be attached by Wᵐ Fitz Gerard under Sherif of Princess Anne County, but before the said Sheriff departed off the said Crow Island, one Wᵐ Bray pretending himself Marshall or sheriff of North Carolina came with force and Arms and Rescued the goods attached, carryed away the under Sheriff and Kept him in Custody untill he gave security for his appearance at next Genˡˡ Court held for Carolina; by means of which the said Macklanshaw is in Danger of looseing his Debt and prayed Relief therein all which appearing by Testimony at this Board It is the opinion of the Council that reparation be demanded of the Govʳ Commander or Chief Officer of North Carolina for the abovesaid Violence Committed in this his Majestys Colony of Virginia and Restitution be made of the said goods and the person of the said Wᵐ Bray with those that assisted him in the said violence be forthwith delivered to the Sheriff in princess Anne's County to answer it & be proceeded against according to law

AT A COUNCILL HELD AT JAMES CITY THE 2d OF MARCH 1695-[6]

Present

His Excellency Sir Edmund Andros Knt Governor.

His Excellency was pleased to communicate to this Board a Letter from Thomas Harvey Esqr Deputy Govr of North Carolina that he had recd his Excellcys Letter Containing Mr Makclanahaws Complaint against Wm Bray Deputy Marshal in Coratuck within that Government and being altogether ignorant of the whole matter had Communicated his Excellcys Letter to the palatines Court and that order was given for Wm Brays appearance with all possible speed that being informed of the whole matter he might be Capable of giving his Excellcy a Satisfactory answer the further Consideration of the said matter is Reserved till an answer is received & that in the mean time the sheriff of Nansmond Norfolk and Princess Anne Countys be carefull in Collecting his Majestys Quittrents and other Publick Dues to ascertain their bounds and that they be not incroached upon in their several Balywicks, And ordered accordingly

2nd MARCH 1695–(6)

* * * * *

His Excellency was pleased to communicate to this Board a letter from Thos Harvey Esq. Deputy Governor of North Carolina that he had received his Excell. letter containing Mr Macklenahan's complaint against William Bray Deputy Marshal in Corrotuck within that government and being altogether ignorant of the whole matter had communicated his Excellency's letter to the Palatines Court and that order was given for William Bray's appearance with all possible speed that being informed of the whole matter he might be capable of giving his Excellency a satisfactory answer the further consideration of the said matter is deferred till an answer is received and that in the meantime the Sheriffs of Nansamond, Norfolke and Princess Anne Countys to be careful in collecting his Maj. Quit rents and other public dues to ascertain their bounds and that they be not encroached upon in their several Balywicks and Ordered accordingly.

[B. P. R. O. B. T. Plantations General. Vol. 4. p. 53.]

TO THE HON^bl THE COMM^rs OF HIS MA^ties CUSTOMS. PROPOSALLS HUMBLY OFFERED FOR THE MORE EFFECTUAL PUTTING IN EXECUTION THE ACT FOR PREVENTING FRAUDS & REGULATING ABUSES IN Y^e PLANTATION TRADES.

(31 July 1696)

1. That the Gov^rs in all the proprietyes be duly qualified for the discharge of their Trust, in relation to the acts of Trade; as in the act for preventing Frauds etc: is directed

2. That fitt persons be appointed to be the Gov^rs of Carolina & Pensilvania to prevent the illegal Trade carried on by Scotchmen & others in vessells belonging to New Eng^d & Pensilvania from those Provinces to Scotland, Carasaw, & other unlawful places.

3. That a Commission under the Great Seal of Eng^d (as formerly) be directed to divers persons with power to administer the Oath to the present Gov^rs in all the Plantations, & also to such who shall hereafter be made Gov^rs of any of them before their entring upon any of their respective Goverm^ts

4. That there be appointed a Judge, a Register, a Marshall of the Courts of Admiralty & an Atturney Gen^ll in all ye Colonys & Provinces upon the Coast of America to trye causes arising upon seizures & forfeitures made upon the Breach of ye several acts relating to the Trade in the plantations as in the aforesaid Act for preventing Frauds etc: is directed

5. That all such collectors & others who have by ignorance or Connivance encouraged the illegal Trade in the plantacons be removed, & honest & able officers be put in their Rooms & also in places where officers are yet wanting, for the better putting the said act in Execution

all which etc:

by ED: RANDOLPH.

[B. P. R. O. B. T. PLANTATIONS GENERAL. VOL. 4. P. 45.]

THE NAMES OF PERSONS TO BE THE JUDGES, REGISTERS & MARSHALLS IN THE COURTS OF ADMIRALTY & ALSO OF THE ATTURNEYS GEN^{ll} IN THE FOLLOWING COLONYS & PROVINCES ON THE CONTINENT OF AMERICA. (July 31st 1696.)

Virginia & North Carolina	Edward Hill (of the Councill)	Judge
	Myles Cary	Register
	Michaell Shewman	Marshall
	Edward Chilton	Attorney Gen^{ll}

* * * * * * *

Mem: That the fees of the officers in the severall courts of Admiralty (now not known) be ascertained by the Judge of the Court of Admiralty in Eng^{d} to be approved of & allowed by the Gov^{rs} & Councill in each respective Govm^{t} or otherwise as shall be directed That upon the absence, removal or death of any of the said officers, the Gov^{rs} in those places be impowered to appoint other persons to officiate in their rooms and to return the names of such persons to the Admiralty in England to receive from thence Deputations accordingly.

That there can be no establishment of Courts of Admiralty in the Bahama Islands, Carolina or in any other of the Proprieties until there be a regulation in the Gov^{ts} as is directed in the act for preventing of Frauds and regulating abuses in the Plantation Trade

All which is humbly submitted

by ED: RANDOLPH.

[B. P. R. O. B. T. PLANTATIONS GENERAL. VOL: 4. P. 113.]

TO THE RIGHT HONO^{ble} THE LORDS & OTHERS THE COMM^{rs} FOR TRADE.

AUGUST 25th 1696

May it please your Lordships

Having in my paper of proposalls to the Comm^{rs} of his Maj^{ties} Customs, for the better putting in Execution the Act for preventing frauds &c: (a copy whereof I presented to your Lordships) offered (that there

be a Judge a Register a Marshall and an Attorney Generall apointed in all the Colonies & Provinces upon the Continent of America) I was directed by their Hon^rs to nominate persons fitt for those Employments. And accordingly I did in another paper (now before y^r Lordshipps give in the names of several such persons. Not but that there were Attorney Generalls in divers of those places, (but in regard (as I informed the Commissioners) some of them are wholly ignorant of the Laws & practice in the Courts in England & others countenanced the illegal Trade, so that until they were removed & persons understanding & well experienced in the proceedings at Law, be recomended to such places it could not be expected that the Acts for securing the Plantacon Trade should be executed & observed I do humbly therefore lay before yor Lordships an account of the present Attorney Gen^lls in those Colonies & Provinces & my Reasons, why some of them should be removed, & others to be apointed in their Roomes.

* * * * * *

North Carolina has no Attorney Generall.

[B. P. R. O. AMER: & W. IND: No. 601.]

TO THEIR EXCELLENCYS THE LORDS JUSTICES.

May it please your Ex^cys

In obedience to your Ex^cys Order of the 23th of July last annexed to an Extract of a Presentment from the Com^rs of the Customes, Wee humbly represent to your Ex^cys that in our opinion the constituting Atturnys Generall in each respective Plantation as moved for, by the Comm^rs of the Customes will be conducing to the ends by them proposed; And that therefore in order to the putting of that design in execution, Wee have advised with Mr Edward Randolph Surveyor Generall of his Maj^tys Customes in the Continent of America, and are by him informed that William Randolph the present Atturney Generall in Virginia is wholly unacquainted with the Lawes and practice of the Courts in England; that George Platter the present Attorney Generall in Mariland is a favourer of illegal Trade, that David Lloyd the present Atturny Generall in Pensilvania has declared that he served for the Province only and thereupon refused to put severall forfeited Bonds in suit, That Anthony Checkly the present Atturny Generall of the Massachu-

sets Bay is not only ignorant of the Lawes of England but has been himself an illegall Trader. For which reasons Wee are also humbly of opinion that the forenamed Persons are not fit to be his Ma^{tys} Atturnys Generall, however fitt they may be judged by the Proprietors of any of those Provinces for the Places that they have Power to dispose of. And that it may be expedient for his Ma^{tys} service that the Persons following whom the said Mr Edward Randolph represents as duly qualyfyed may be constituted His Ma^{tys} Atturnys Generall for the respective Colonies hereafter mentioned vizt for Virginia, Mariland and Pensilvania (as also for North Carolina and West Jersey where there is at present no Atturny Generall) Edward Chilton, For the Massachusets Bay (as also for Road Island and New Hampshire, where also there is at present none) Thomas Newton. For New Yorke, (as also for East Jersey and Conecticott where also there is at present none) James Graham. These being the only alterations of this kinde for which wee have any Grounds suggested to us. Wee omitt to mention those of His Ma^{tys} Colonies wherein there are Atturnys Generall already settled, and humbly submitt our opinion upon these to your Ex^{cys} consideration

J. BRIDGEWATER
PH. MEADOWS
JOHN POLLEXFEN
JOHN LOCKE
ABR: HILL.

Whitehall
September the 7th 1696.

A true Copy
RICH: COLINGE.

[B. P. R. O. B. T. Proprieties. Vol. 25. p. 6.]

Mr RANDOLPH'S MEM^{b} ABOUT ILLEGAL TRADE IN THE PLANTATIONS, MENTIONED IN FOREGOING PRESENTMENT.

To the Honourable the Commissioners of his Majesty's Custom—

May it please your Honours

Your Honours were pleased in your presentment of the 17th of July past to the Right Honourable the Lords Comm^{rs} of his Majesty's Treas-

ury to represent, that it hath been found by experience, either through the remissnesse or connivance of the Governors of the severall Colonies and plantations which are under distinct proprieties, The Acts of Trade & Navigation, and your Honours Orders & Instructions, in pursuance thereof, have not been observed as in other Colonies and plantations which are under Governors nominated & appointed by his Majesties immediate Commission, and did therefore humbly move their Lordships that the Respective Governors of the said proprieties may be persons of good Estate & Reputation, and otherwise duely qualifyed for the discharge of their truth, being by a clause in the aforesaid Act for preventing frauds and regulating abuses in the Plantation Trade to be allowed & approved by his Majesty his heirs & successors, and obliged to take the oaths enjoined by that, or by any other Act to be taken by the Governors or Comanders in chief in other his Majesties Colonies or Plantations before their entrance into their respective Governments under the like penalties which his Majestys Governors & Commanders in chief are by the said acts lyable to.

Notwithstanding the owners of the proprieties upon the Continent of America and Islands adjacent take no notice thereof, but omitt to nominate fitt persons to be allowed and approved by his Majesty in Councill, before their entrance on their respective Governments, from whence it follows that whilst the principles omitt their obligations at home, it cannot be expected their Deputies will do their Duties in the plantations, so that althō (pursuant to the said Act) The Officers of the Customs, the Judges and other officers in the Courts of Admiralty, the Attorneys Generall, & the Commissioners under the Great Seal for Administring the oaths to the respective Governors in the said Colonies and plantations are appointed & prepared ready for dispatch:

Nevertheless the Governors and other publick Ministers in the Proprieties are continued in their offices & places, & no care taken to appoint others in their stead, thō they maintain and support the illegal Traders as much as ever:

It cannot therefore be expected that the Frauds & Abuses in the Plantation Trade so long practiced & so often complained of can be prevented untill persons of good Estates and reputation, and otherwise duly qualified the discharge of their Trusts, be first allowed & approved by his Majesty and to be the Governors of those Proprieties according to the said Act, otherwise it is to no purpose, nor will it countervaile the charge to send over officers and maintaine them, to put the Acts of Trade in execution, in Virginia & other places, under his Majesty's immediate authority so long as the Governors for the Proprietors take upon them a power to dispence with the open breach of the Acts of Trade, and

thereby keep their ports open to Illegal Traders, whilst others are barred up by oaths & strict penalties, which must needs occasion the draining & soon depopulating his Majestys own plantations by the people enjoying an extraordinary liberty in a generall Trade and constant benefitt by pirates and the Scotch Trade in the proprieties and private Charters.

The chief end of granting those vast Tracts of Land (now called proprieties) to noble men and others, was doubtless to encourage the first undertakers to plant & improve them for the benefitt of the Crowne, & to be always subject & depending on England, & conformable to the Laws thereof. Great numbers of people are now seated in some of those proprieties, but have been long endeavouring to break loose & sett up for themselves, having no sort of regard to the Acts of Trade, and discountenancing appeals from their Courts to his Majesty in Councill. The persons appointed by the Proprietors to be their Governors, are generally men of very indifferent qualifications for parts & Estates. Their maintenance is inconsiderable, which renders their Governments precarious also. They have power only (like civill Magistrates in petty Corporations in England) to make Municipall Laws with consent of the people, for their quiet & peaceable Government but are indeed Stewards only & overseers accountable and alwaies lyable to be turned out at the pleasure of those who employ them; So that it cannot be presumed that Governors made by the proprieties only, as such, are impowered, or in any wise concerned to put in execution the Acts of Trade in their Government, But on the contrary, I am humbly of opinion that twill be judged a high misdemeanor in any of them to attempt it, untill they are first qualified, as by the said Act for preventing Frauds is directed: the proprietors themselves have no such power, nor can have granted them by their Patents

I humbly lay before your Honours, an account of the present Governors of proprieties, & of their qualifications, in relation to the Acts of Trade.

Bahama Islands: Mr Nicholas Trott is the present Governour; those Islands have been and still are a common retreat for pyrates and illegal Traders: Cadwallader Jones the late Governor under pretence of a power to make all officers, made one Boulton Collect^{r} of the Customs: he entred and cleared vessels according as the Governor and he pleased. In the year 1693 Thomas Carter Master of the Ship Bridge Town of Barbados richly laden from Jamaica to London, run the ship wilfully aground upon the Island, the Master & sailors divided the money, and the best of her loading; the Governor made his advantage by it, all appeals lye from their Courts to the Lords proprietors in England.

Carolina: Mr John Archdale a Quaker is deputed Govern^{r} by the Lords proprietors (as I am informed) during his son's Minority who is one of the Lords Proprietors; the Cheif Towne for Trade is Charles Towne, free to all, from all places. They Trade to Carasaw from whence the Manufacture of Holland is brought to Charles Towne and carryed by New England men, and other illegal Traders to Pensilvania, Boston etc and returns are made for them in Plantation Commodities, which are carryed from Carolina to Carasaw, and thence to Holland, about 3 years ago 70 pyrates having run away with a Vessell from Jamaica, came to Charles Towne bringing with them a vaste quantity of Gold from the Red Sea, they were entertained, and had liberty to stay or goe to any other place. The Vessell was seized by the Governor for the proprietors as a Wreck & sold, they have no regard to the Acts of Trade. The present Governor is a favourer of the illegal Trade, having given his permit to the Master of a Forreigne Vessell to trade, taking no notice of Mr Guerard appointed the Collector by your Honors Deputation, as by a Copy of the Governors Permitt No^{e} appears; all appeals are likewise from the Courts in this Province, to the Lords proprietors in England.

North Carolina has 60 or 70 scattered families, but under no regular government. One Jarvis was appointed the Govern^{r} by Coll. Ludwell then Govern^{r} of all Carolina, he had no sallary. The Inlet of Carituck lies conveniently for carrying away the Tobacco made in the Southern parts of Virginia. The Inlet of Roanoake is frequented with small vessells trading to & from the West India Islands. Pyrats & runaway Servants resort to this place from Virginia etc.

Pensilvania Mr William Markham is the present Governor, Samuell Carpenter, & John Goodson (both Quakers) were joined in the Government with him but they refused to Act.

The Acts of Trade (whatever they pretend) are not observed here; a plain discovery has been made of nine Vessells loaden with Tobacco, which have from the year 1690 to the year 1695 gone directly from this Province to Scotland (besides Gustavus Hamilton the Cheif factor for the Scotch Merchants) who last year carried out of Delaware 300 hogsheads of Tobacco without clearing, as also other Vessells from the same place, went with Tobacco to Scotland as appears by letters from your Honors Agent in that Kingdom. The Brigantine William & Mary (called the New Castle Brigantine) when in August 1694, she cleared out from Pensilvania for England, William Righton Master & Maurice Trent a Scotchman, an old Transgressor Merchant (one of her owners lives in London) imported into Pensilvania a great quantity of Scotch goods, & was admitted to an entry in the year 1695, by the Collector in Pensilvania.

She was afterwards seized in West Jersey by Capt Meech, appointed by Coll. Nicholson (pursuant to her late sacred Majestys order in Councill of the 9th of August 1694. He seized also another Vessell called the Mill; Everett Johnson Master from some port in Norway. (as I am informed) loaden with wine & European goods, having no clearing from any port in England, the Master confessed himself to be a Dutchman, as appears by Capt. Meeches Journal, N° 2, his tryall was putt off, the Master being gone to New York, And afterwards su^{s}pended till further orders from England. The Governor entertains several pirates from the Red & South Seas, who carry on an illegal trade to Carasaw, & other prohibited places. It appears by a Copy of Mr Markham's Letter to me N° 4. that he has but a small maintenance, desiring me to make him Collector of the Customs in Pensilvania by which your Honors may please to take notice that Governors under such necessities will be easily tempted to doe, & connive at unlawfull things. The Charge to maintain officers of the Customs in that Province together with a Vessell of about 40 Tuns, & men sufficient to cruise upon the Coast thereof, as by her late Sacred Majesties order in Councill, Coll^{l} Nicollson is directed to provide will amount to above 2000£ a year, to prevent the Illegal Trade in Pensilvania, & the shipping of Tobacco brought overland from Maryland to Delaware Bay, which notwithstanding will be carryed on untill there be such a Regulation in the Government of that Province, as by the said Act for preventing frauds etc is enacted.

Pensilvania lies in the centre between Maryland and New York most commodiously to carry on all illegal Trade, & that place will soon become a Staple of all European & plantation Commodities.

Jerseys. East & West Jersey Mr Andrew Hamilton a Scotchman is the Governor of those Provinces appointed by the Proprietors to Lease out their Lands & receive their Quit rents. He is a great favourer of the Scotch Traders his Countrymen, & would not allow of Capt Meech's power, when he had seized the Brigantine William & Mary William Righton Master. The Governor sat Judge in Court The vessell was favoured upon the Masters setting forth in his petition that the French mett him at Sea, & took away his Cocquets, she is since gone to Barbados: Patrick Robinson a Scotchman the Secretary, and David Lloyd the Attorney Generall in Pensilvania went to the Court in West Jersey to defend the vessell against the persecutors for his Majesty.

Connecticott in New England, Coll^{l} Robert Treat is the present Governor of that Colony, granted to the Inhabitants by Charter, to have a Governor annually chosen, with power to purchase, and sell Lands. The Inhabitants are generally husbandmen & planters. The Governor per-

mitted a Vessell from Holland under pretence of wanting wood and water to come into New Haven, where she unlivered great part of her loading, which was carried to New York, and having taken horses aboard, sailed with the remainder of her goods to Barbados. Thomas Fisher Master of the Brigantine Adventure of London imported about December 1691 a very great Cargoe of Scotch goods at New London in that Colony, they were seized by Mr Brenton the Collector; he thought it most advisable to admitt Gustavus Hamilton to a Composition (which he willingly agreed to) rather than submitt the Cause to a tryall in that Colony.

Road Island, Caleb Carr was late Governor of that and Providence plantation granted by Charter also, tis become a free port to illegal Traders and pyrates from all places: Thomas Tew a pyrate came thither from the Read Sea in the year 1694 and brought with him 100,000 ^{lbs} in Gold and & Silver, he shared 12000 ^{lbs} for himself & his Sloop; the people are enriched by them. Tis necessary that place be taken care of & putt under a regular Government, the present pretenders to govern being either Quakers or Ana. Baptists.

Province of New Hampshire, Mr William Partridge being nominated by Mr Samuell Allen the present Proprictor is allowed by his Majesty & made the Deputy Governor of that Province.

Province of the Massachusetts Bay, Tho' his Majesty has the appointing the Governor of that Province, yet the illegal Trade is carried on as much as ever, to Scotland Holland, France etc for want of a Governor to surpress that Trade, & to support and countenance the officers of the Customs in the Execution of their duties. Mr William Stoughton is the Lieutenant Governor, he is a good Scholar, but not bred up to Military Discipline. The Country lying open is exposed to the fury of the French, & Indians whenever they please to attack them. They have in their Laws hitherto made no provision for a Governor's maintenance as is done in all other his Majestys Governments, & was likewise in that Province for their former Governors, on purpose to discourage men of honor & abilities to live amongst them; but whatever it costs that countrey, and the Trade thereof ought to be taken care of.

Now from what has been herein humbly offered, it cannot reasonably be imagined, that the proprietors Governors are persons qualified or fitt to be entrusted with the conduct and execution of the principall powers reposed by those Acts only in the Governors & Commanders in Chief in the Plantations under his Majestys immediate authority; so that if the proprietors and owners of those Lands refuse to conform to the Rules & method prescribed them in the said Act for preventing Frauds etc; It's humbly proposed that they should be obliged to accept of such Regula-

tion in Government, in reference to Trade, as his Majesty shall think necessary to make, which will in no wise invade their just Rights & Proprieties in those lands, nor hinder them from imploying their Agents & factors to take care & dispose of their estates & to receive the Rents & profits arising from them.

The Lord Baltemore the proprietor of the Province of Maryland, Mr Samuell Allen the proprietor of the Province of New Hampshire, & the Inhabitants in the province of the Massachusetts Bay have all their Rights and properties entirely Secured to them in their respective proprieties.

They have their agents and Attorneys upon the place to manage their affairs with all freedom, tho' at the same time the Governors of all those provinces are appointed by his Majesties immediate Commission.

All which is humbly submitted by etc

ED: RANDOLPH S: G—

November the 10th 1696.

To the Kings most Excell^t^ Matie in Councill.

The humble Petic̃on of the Lords and other the Proprietors and Agents of the Province of Carolina, the Bahama Islands, Pensilvania East and West Jersey and Conecticott in America.

Sheweth

That by Summons from Mr Attorney Generall dated the thirteenth of October last, your Pet^rs^ received intimation of an order of Reference to him from the late Lords Justices to consider and report whether an Attorney Generall might not be appointed for your Matie in the said severall Provinces, notwithstanding their Grants & Charters.

That upon your Pet^rs^ attending the said Attorney Generall, a Paper annexed to the said Order of Reference purporting a Representation to the said Lords Justices from the Councill of Trade was read, wherein is suggested that some Complaints have been made to the Comm^rs^ of yor Maties Customes and to the said Councill of Trade by one Edward Randolph, that divers Irregularities have bin lately committed in the said Provinces contrary to the Acts of Navigation, and to your Maties Prejudice, and that the Persons whom your Pet^rs^ have (as they are advised they lawfully might doe) Constituted Attorneys Generall in the said Provinces are unqualified for their severall Imployments.

And forasmuch as your Pet^rs^ have bin alwaies careful to appoint Officers in the said severall Provinces well affected to your Maties Government and Interest, and qualified for their Offices and Imployments, and that the said Representation is (as your Pet^rs^ conceive) the occasion and ground

of the said Reference, and that the suggestions in the said Representation do not only affect the Persons therein named but in Consequence your Pet^rs also, and for that your Petitioners till their attendance on Mr Attorney Generall had no notice of the said Complaints and Representation, or the Contents of it, and so no oppertunity to rectifie or cleare some misinformations given to your Ma^tie^s said Commissioners and Councill of Trade.

Your Pet^rs therefore most humbly pray they may have a Coppy of the said Representacon, and that your Pet^rs may be heard, and the truth and reason of the said Complaints farther and more clearly examined before Mr Attorney shall make Report in the matter referr'd to him.

And yor Pet^rs as in duty bound shall ever pray &c.

J. LANE	Wm THORNBURG	CRAVEN Pal^t
J. WINTHROP for Sr JOHN COLLETON Barr^t		BATHE
MICHAEL WATTS	THO. AMY	ASHLEY
	Wm PENN	BERKELEY

[B. P. R. O. AMER: AND W. IND: PLANT. GEN. No. 601.]

TO THE R^t HON^ble THE LORDS COMM^rs OF TRADE AND PLANTATIONS

The Lords Proprietors, Agents and others of the Provinces of Carolina, Bahama Islands, Pensilvania, East & West Jersey and Conecticott in America:

Protèsting their Loyalty and duty to his Majesty and reserving the benefit of being heard by themselves or Councill to their Right and power of erecting Courts of Admiralty in the said Provinces doe offer

That there are severall Clauses in their respective Grants and Charters which (as they are advised) import and imply a Grant of ye admirall Jurisdiction and power of erecting the said Courts and constituting Judges and Officers thereof in the said Provinces.

That the reason why they have not hitherto erected such Courts or constituted such Officers is that all suits or Informacons upon and for the breach of the acts of navigacon may as appears by the said acts and particulerly by the 15th of Kng Charls ye 2^d be brought and prosecuted in the Common Law Courts and y^t the erecting Courts of admiralty would have occasioned Sallaryes and other great and expensive Charges.

That they apprehended there was no necessity of such Courts unless for the condemnacon of prises few or none of which have bin brought into the said Provinces during this Warr in order to be there tried and condemned.

That the said Preprietors are nevertheless willing and ready to erect such Courts and constitute such able officers as shall be well affected to his Majesty's Government, carefull of his intrest use their uttmost endeavours to enforce an observance of the said acts of navigation and zealously prosecute such Vessells and persons as shall be guilty of the breach of them.

All which is humbly offered and submitted

[B. P. R. O. B. T. No. Carolina. Vol. 11. B. 94.]

North Carolina—ss.

At a Palatines Court holden at the House of the Honble Francis Jones Esqre the 9th day of December 1696.

Present.

The Right Honble John Archdale Esqre Governor or Commander in Chief of North and South Carolina. The Honble Francis Jones, Benjamin Lakar, Maj^{r} Samuel Swann, & Thomas Harvey Esqre Lords Deputies.

Ordered that Writts be issued out to the several precincts of the County of Albemarle, for electing five Burgesses for each Precinct to meet at the House of Thomas Nicolo, the eighteenth Day of January next.

Whereas several Persons are seated on Pampticoe River without the Bounds of the County of Albemarle to whom Commissions & Writts have been directed by the Name and Style of the Precinct of Pampticoe in the County of Archdale, it is now by the authority of this Court erected into a County & by the special direction of the Right Honble the Governor is nominated the County of Bath.

Ordered that a writt be issued out to the Inhabitants of the County of Bath to make choice of two Burgesses to sit in the Grand Assembly to be holden at the House of Thomas Nicolo the eighteenth Day of January next.

JOHN ARCHDALE.
THOMAS HARVEY.
FRANCIS JONES.
SAMUEL SWANN.

1697.

[B. P. R. O. Amer: & W. Ind: Plant. Gen. No. 601.]

To the Kings most Excellent Majesty

The Lords and others the Proprietors and Agents of the Provinces of Carolina, Bohama Islands, Pensilvania, East and West Jersey and Conecticott in America,

Humbly offer

That upon reading and perusall of a Copy of a Representation bearing date the 17th of December last from the Councill of Trade, to your Majesty, the said Proprietors understand the said Councill of Trade and also your Matys Atturny Generall are of opinion that notwithstanding the severall Charters granted to the said Proprietors, Your Maty may appoint and erect Courts of Admiralty in the said Provinces; And that the Lords of the Admiralty did on the 19th of November last represent to your Maty that all the Govrs of your Majesty's Colonies and Plantations had Commissions to be vice admiralls, or might have them if they made application for the same.

The said Proprietors therefore most humbly pray that the Grovernors of the said severall Provinces may have Commissions to be Vice Admiralls with such powers relating to the Admiralty Jurisdiction, as the Governors of your Matys other Plantacons have.

All which is most humbly submitted &c.

DAN. COXE.

In behalf of myself and the rest of the Proprietors.

Presented 21. January 1696(-7.)

(Indorsed)

Proprietors.

Petition of the Proprietors of several Plantacons in America to his Maty praying that their Govrs may be appointed Vice Admiralls in their respective Governments.

[B. P. R. O. B. T. Plantations General. Vol. 4. p. 274.]

A BRIEFE AND PLAINE SCHEAM.

(February 8th 1696–7.)

[From Wm. Penn.]

How the English Colonies in the North parts of America vizt Boston, Conetticut, Road Island, New York, New Jerseys, Pensilvania,

Maryland, Virginia and Carolina may be made more usefull to the Crowne and one anothers peace and safety with an universall concurrence.

1st That the severall Collonies before menc̄oned, do meet once a year and oftner if need be, dureing the Warr, and at least once in two years in times of Peace, by their stated and appointed Deputies, to debate and resolve of such measures, as are most advisable for their better understanding and their publik Tranquility and Safety.

2dly That in order to it two persons well Qualified for Sence Sobriety and Substance, be appointed by each Province as their Representatives or Deputies, which in the whole make the Congresse to consist of Twenty persons.

3dly That the Kings Comr for that purpose specially appointed shall have the Chaire & preside in the said Congresse.

4thly That they shall meet as neere as conveniently may be, to the most centrale Colony for eaze of the Deputies.

5thly Since that may, in all probability be new Yorke, both because it is neere the Center of the Collonys, and for that it is a Frontier and in the Kings nomination, the Governor of that Colony may therefore also be the Kings high Comr during the Session, after the manner of Scotland.

6thly That their Business shall be to hear and adjust all matters of Complaint or difference between Province and Province, as 1st where persons quit their own Province and go to another, that they may avoid their just debts tho able to pay them 2dly where offenders fly justice, or justice cannot well be had upon such offenders in the Provinces that entertaine them, 3rdly to prevent or cure Injuries in point of commerce. 4thty To consider of wayes and meanes to support the union and safety of those Provinces against the publick Enemies, in the Congress the Quotas of Men and charges will be much easier and more equally sett, then it is possible for any Establishment made here to do, for the Provinces having their own Condition and one another, can debate that matter with more freedom and satisfac̄on, and better adjust and ballance their affaires in all respects for their common safety.

7thly That in times of Warr the Kings high Comr shall be Genll or Cheife Comander of those severall Quota's upon service against the Com̄on Enemy, as he shall be advised for the good and benefit of the whole.

[B. P. R. O. B. T. PROPRIETIES. No. 25. P. 39.]

LETTER OF THE COUNCILL OF TRADE TO THE LORDS PROPRIETORS OF CAROLINA.

Febry 9th 1696–7

To the Right Honourable the Lords Proprietors of his Majesties Province of Carolina in America.

My Lords

His Majesty having been informed by complaints from severall hands of the undue methods practiced in some of his Colonies for seducing the Inhabitants from others, and being sensible how much that practice is contrary to the Common Interest of the whole has commanded us to write to the severall Governors or Governments of each Colony that they take care that effectual Laws be made in each of their respective Governments against the receiving and harbouring not only of Deserters, but also of such Fugitives as leave any of his Plantations contrary to the Laws provided for that purpose in each plantation respectively; Which therefore we accordingly recommend to your observation for the Province of Carolina.

And whereas his Majesty has also received complaints that the entertainment given to Pyrates in some of his Colonies, and more particularly in those under distinct proprieties, had occasioned many ill minded persons, seamen and others to desert their habitations, and apply themselves to such wicked and destructive courses to the great weakening and dispeopling of the Colonies so abandoned by them, and to the great dishonour of the English nation, whereupon he has also required us to write to the severall Proprietors and Governors of all his Plantations, that due care be taken for the future that no Pyrates or Sea Robbers be anywhere sheltered or entertained under the severest penalties; We are obliged in giving you this notice to recommend it so much the more particularly to your care, by reason that upon occasion of the late Tryalls of some of Every's Crew here severall informations have been transmitted to us wherein mention is made of Carolina as too ordinary a Receptacle of Pyrats. Some of the expressions in those papers are as follows,

Want a Pyrate about three years ago, after a good voyage broke up in Carolina, and spent part of his money there. Want now is fitted out from Carolina. Pirates are kindly entertained in Carolina; Capt Risby and others of Every's Crew went to Carolina. These things we say oblige us the more to require of you that an extraordinary care be henceforwards taken in that province by a constant discouragement to the Rise and progresse of such undertakings so as either to wipe off these, or at least pre-

vent the like reflections for the future, and particularly that those of Every's Crew who retired thither may be found out, and both they and any others that shall be discovered, be punished according to the utmost severity of the law: of which we expect a particular account, and are

Your very affectionate friends

J. BRIDGEWATER
Ph: MEADOWS
Wm BLATHWAYTE
JNo POLLEXFEN
ABR: HILL.

Whitehall
February the 9th 1696–7.

[B. P. R. O. Col: Ent: Book. No. 20. p. 219.]

London Aprill 1697.

Memorandum.

After the death of the Right Honourable Wm Earle of Craven Palatine of Carolina which was in Aprill 1697 the Right Honourable John Earle of Bathe succeeded him after which time the Lords Proprietors of Carolina had their meetings at his Lordships house at St James.

[B. P. R. O. Amer. and W. Ind: Plant. Gen. No. 601.]

Sir,

The Lords Commissioners of his Matys Treasury having transmitted to the Commrs of his Majesty's Customes the forme of the Bond prepared by the Attorney Generall for the security to be taken from the Proprietors of Plantacons for their respective Deputy Governors pursuant to an Address presented to his Majesty by the Lords Spirituall and Temporall in Parliament; who have reported that they are of opinion, That the Penalty to be inserted therein ought not to be less than Two thousand pounds nor to exceed five thousand pounds with reguard to the Importance of the Trade in the respective Proprieties. My Lords agree with the said Report, and have commanded me to send the same to you in order to be laid before the Lords Commrs for Trade.

I am Sir

Your most humble servant

Wm LOWNDES.

Treasury Chambers
May 5th 1697.

To William Popple Esqre

[B. P. R. O. Amer: and W. Ind: Plant. Gen. No. 601.]

S^r^

I have layd your Letter before the Lords Proprietors of Carolina, and the Bahama Islands, with the inclosed Letters from his Majesty.

Their Lords^ps^ are very ready to pay all dutifull observance to his Majesty's commands; and as they have always hitherto made it one of their Instructions to their Governours, to take care to put the severall Acts of Parliament in Execution, that concerne the Plantation Trade and Navigation they shall now enforce it, as his Majesty's particnler Command.

As to the Bond, their Lords^ps^ are of opinion, that since the late Act of Parliament has placed the Aprobac̄on of their Governours in his Majesty, it cannot be expected they should give security for the Behaviour of such persons, as are so constituted it being not required by any Act of Parliament that they know of. I am

Sir

Your Humble Servant

Wm THORNBURGH.

May 20th 1697.

[B. P. R. O. B. T. J. p. 166.]

Whitehall July the 21st 1697

* * * *

The Commiss^rs^ for Transportation attending to know what resolution was taken by this Board about the fifty Convict Women now in Newgate mentioned in Mr Vernon's letter of the 1st of this month were acquainted that some Answers were yet expected from the Agents of some Colonies who had been writ to upon that subject but that they should be again called for and a speedy resolution taken therein, But soon after a letter from the Agents of Barbadoes being brought to the Board, that and all the others relating to that subject which have been received during some days last past were laid before their Lordships and read, viz: from the Agents or Merchants of Barbadoes Jamaica the Leeward Islands Virginia and Maryland New England and Carolina And none of the said letters giving any proper encouragement for the sending any of those Women to any of those Plantations, except only to the Leeward Islands And their Lordships remembering that the agents of New York have likewise verbally declared their opinion that it would not be fit to send them to that Province, They thereupon ordered a Representation to be

drawn to lay before the Lords Justices their opinion for sending them to the Leeward Islands according to the tenure of the forementioned letter of the Agents of those Islands.

[B. P. R. O. North Carolina. B. T. Vol. 4. p. 40.]

London Decr ye 22o 1697.

Gentlemen

We have now sent ye Copy of our last and having not since had any from you, have nothing to add, but that we have now sent you ye Exemplication of our Charter under ye Greate Seale of England wch wee hope will be sufficient to assert our Bounds wth the Governor of Virginia

Wee have also sent you by his Majestys Comand ye proclamation for a peace with France and likewise ye Articles of ye same ye former you are to publish in due maner and ye latter strictly to observe.

Wee are

Genl Your very affectionate friends

BATHE Palatine

ASHLEY.

BATHE for ye LORD CARTERET

THO: AMY

To Tho: Harvey Deputy Governour and to our Deputys & Councell of North Carolina

[Records of Perquimans Precinct Court.]

AT A COURT HOLDEN FOR THIS PrCINCT AT Ye HOUS OF THOMAS NICHOLS THE SECONT MONDAY IN JANERUARY 1696–7

prsent	Mr Caleb Calleway
	Capt Ralph ffletcher
Mr John Godfrey	Mr John Barrow
	Mr Samuel Nicholson

James Oates vars Thomas Nichols

In a plea of yv sd Nichols not appearing ye Shrefe confessed Judgmt ordered that John Stepney pay to James Oats three ponnd three Shillings and fower peence with cost.

Upon A petic̄on of Alexsander Lillington Shewen that John Tweger Is Indepted to him two pound foorten shillings And He Haven obtained Attachment Against ye Estate of Sd Tweger And no Repreve Apearing ordered that ye Marshall Make Sale of ye estate Apraised According to Law for ye defraym^t^ of of this debt With Cost.

Samuel Pricklofe prove A bill of Thomas Hasel And Thomas White for five pound in pork ordered that Thomas Duren Exceter to ye Sd Hassel pay ye Sd Pricklofe five pound in pork with Cost

ffrancis Segrave proved five Rits for five ℔sons transported into this̄ county Whoes Names are under Wretten viz himselfe, Lucretia his Wife Thomas his Sonn ffrancis his Soon William Powel.

John Dunston proved three Rits whoes names are under Wreten viz himselfe ffrancis his Wife Sarah Moore

Dianah White petic̄on ye Court Shewen that Thomas Hossell is Indebted to hir one pound Seven Shillings And Shee proved hir Account ordered that Thomas Duren Exceter of ye Sd Hosel pay to ye Sd White one pound Seven Shillings

Sarah Johnson vars Edward Homes in a plea . . . . . Court Referd it to ye Jure ye Jure On their othes say thay find for ye plaintef Seven hundred pound of tobaco And Caske ordered that Edward Homes pay to Sarah Johnson Seven hundred pound of tobaco & Cask with Cost.

Thomas Speight proved tenn Rits Whoes Names ar under Wretten viz himselfe Richard Mallone Nich Perru John Morres Elizabeth Morres John Morres Juner William Morres Mare Morres Nathaniel Rave Fone a Negro

Charles Scot Proved fower Writs for fower ℔sons transported into this County Whoes Names are under Wretton viz himselfe Mary Scoot Elizabeth Scot Charles Scot on for his Servetue

Denis Meclenden proved aleven Rits Whoes Names are under Wretten viz himselfe Charles Cafen Mary his Wife Margaret Dun Dennes Dun Rebecka Carpender Elisabeth Mackclenden Brient Mackclenden Dennes Mackclenden ffrancis Mackclenden Thomas Mackclenden

John Oden proved Six Rits for Six ℔sons Whos Names are under Wretten vis Himselfe Ann his wife Ann his Daughter Jan his Daughter Mary his daughter Rachel his Daughter.

Abraham Williams proved fower Rits whoes Names are under Wretten vis himselfe Anne his Wife Edward Williams John Williams.

Thirlo ffee vars Peter Jones In a plea of ye Case ye Sd Thirlo ffee not Apearing ordered that he be Nonsuted And pay Cost.

John Hopkins vars John Lewes ye Sd Lewes Not Apearing Ordered that ye Sd Lewes pay to John Hopkins two pound Nineteen Shillings &

three peence in Country pay And twenty three bushels of Indian Corn with Costs als Exec.

Upon A peticon of John Watts Shewen . . . . Grifen is Indepted to Him eigh pound thirteen Shillings And he haven obtained Attachment Against his Estate one third part of A Curnen being Atached ordered that ye Marshall make Sale of ye third part Aprased Acorden to Law And pay to ye Sd Watts eigh pound thirteen Shillings with Cost Mr Caleb Calleway Alex Lillington George Ames being Opinted Apraisers.

The Court Rejornd till to Moro Mornen eight aclo

John Hawkins acknowledg A deed of Sale for three Hunded Acres of Land to Mr John Godfry.

Steven Manwaren Acknowledg A ded of Sale for two Hundred Acres of Land to James Pareshen.

James Pareshen Acknowledg a ded of Sale for two Hundred and fifty Acres of Land to Stephen Manwaren.

Collom fflyn Proved A Letter of Aturnney of Jonathin Jonses by ye oths of James Parishen Esekell Mawdle

Collom fflyn Acknowledg A bill of Sale to Stephen Manwaren As Aturnney to Jonathun Jones.

ffrancis ffoster proved Six Rits Whose names are under Wretten William ffoster John ffoster Elisabeth ffoster ffrancis ffoster Jeane Swetman a Negro Hanna

Christefer Butler vars Stephen Manwaren in a plea of dept ye s^d^ Manwaren Haven No declaracon ordered that ye s^d^ Butler be nonsuted and pay Cost.

Upon a Pticon of John Stepney shewen that Thomas Nichols is indebted to him five pound eigh Shilling & fower peence he haven obtained Atachment Against his Estate And Severall goods With ye book of accounts Atached ordered that ye Marshall Make Sale of ye goods Apraised acorden to Law And pay to John Stepney his Just dept of five ponnd eigh Shillings & fower peence with Cost of Sute.

Upon a peticon of Mager Samuel Swann Shewen that Thomas Nichols is Indepted to him one Hundred.....eighty pound of poork And he haven obteined against ye Estate of Thomas Nichols And Severall good atached With ye books of accounts ordered that ye Marshall make Saile of ye estate apraised acorden to Law And pay to Mager Samuel Swann his dept of one hundred & eighty pound of poork With Cost.

Upone the petitione of James Frigatt by an attachment Against the Estate of Thomas Michoals for four pounds Four Shillings and three pence ordered the said Frigatt be paid out of the said Nicolls Estate Four pounds four shillings and three pence with Cost of Sute Alias Exeentione.

Upon A peticon of ye Hon^rbl^ Thomas Harve Esq And Deb^ty^ Goveneer Shewen that Thomas Nichols is Indepted to him Nine pound two Shillings in poork And he haven obtained Attachment Against ye estate of ye s^d^ Nichols And ye book of Accounts being atach ordered that Nine pound two Shillings & one peny halfe peny with Cost of Sute be paid to ye Honble Tho: Har.

Upon A peticon of ffrancis Tomes Esq Shewen that Thomas Nicholes is Indepted to him one pound fifteen Shillings And eigh peence And he haven obtained Atachment Against ye estate of ye s^d^ Nickols And ye book of Accounts being Attached ordered That one pound fifteen shilling And eigh peence With Cost of Sute be paid to ffrancis Tomes Esq

JOHN HOPKINS vars JOHN PIEARCE

In A plea of dept ye defendant confessed Judgment ordered that John Piearce pay to John Hopkins three pound aleven Shillings And Six peence With Cost Ales Exce

ISAAK ROADEN vars JOHN PIEARCE

In a plea of dept ye plaintef Not Apearing ordered that Isaak Roden be Nonsuted And pay Cost Ales Excecution.

JOHN LILLY vars STEPHEN MANWAREN

In a plea of dept ye declaracon being Not Signed ordered that John Lilly be Nonsuted And pay Cost.

Upon A peticon of Thomas Peirce Shewen that Thomas Nichols is Indepted to him two ponnds fower Shillings & fower peence And he haven obtained Attachment Against ye Estate of ye Said Thomas Nichols And ye books of Accounts Attached ordered that Thomas Peirce be paid two pound ffower Shillings & fower peence with Cost of Sute.

Upon A peticon of Charles Crommelen Shewen That Thomas Nichols is Indepted to him Seven pound Nine Shillings And aleven peence And he haven obtained Attachment against ye Estate of ye Said Thomas Nichols And ye books of Accounts being atached ordered that Charles Cromelen be paid Seven pound Nine Shillings & aleven peence with Cost of Sute.

Upon A peticon of Boas Bell Shewen That Thomas Nichols is Indepted to him teen pound eigh Shilling And teen peence And ye books of Accounts being Atached ordered that Boas Bell be paid his Just dept of teen pound Eigh Shillings And teen peence With Cost

Upon A peticon of Ralph ffletcher Juner Shewen that Thomas Nichols is indepted to him five pound for ye youse of his ffather And he haven obtained Atachment Against ye estate of ye Said Nichols & y^e^

books of Accounts being atached ordered that Ralph ffletcher Juner be paid five pound With Cost

Upon A petic̄on of Richard Appowen Shewen y^t Thomas Nichols is Indepted to him aleven pound eigh Shillings and he haven obtained Atachment Against ye Estate of ye Said Thomas Nichols And ye books being Atached ordered That Richard Appowen be paid Aleven pound eigh Shilling With Cost of Sute.

Upon A petic̄on of Majer Alex Lillington Shewen that Thomas Nichols is Indepted to him fifteen pound one Shilling & three peence And he haven obtained Atachment Against ye estate of ye Said Thomas Nichols And ye books of Accounts being Atached ordered that Majer Alex Lillington be paid fifteen pound one Shilling & three peence With Cost of Sute the Cour is Ajurn till to morro Eigh of ye Cloc

Joseph Comander Iturnney to Hennery Silver of ould Ingland Marrener vars Jacob Peterson upon his Assumption in a plea of ye Case ye Court referd to ye Jure and he ye Said Comander haven no Letter of Aturney ye Jury on thare oath Say they find noe Caus of Action ordered that Joseph Comander pay Cost Ales Excycution

Upon a petic̄on of Peter Jones Shewen that he hath paid nine shilling for ye yous of Thomas Norcom to Thomas Nichols ordered that Thomas Norcom account be discharged

Nicholas Simmons vars George Mathes in a plea of dept ye Said Mathes Not apearing ye Marshall craved a refference ordered that he may Have A refference.

Upon A petic̄on of George fferdice Shewen that he hath Atended ye Court fower dayes two in going and Coming.

Ordered that Nicholas Simmons pay to George ffirdise Eigh Shillings And fower peence.

Upon A petic̄on of J. Peirce Shewen that Thomas Nichols Is Indepted to Him two pound Sixteen Shillings And he Haven obtained Attachment Against ye Estat of Thomas Nichols And ye books of accounts being attached ordered that John Peirce be paid two pound Sixteen Shillings With Cost.

Upon A petic̄on of Joseph Smith Sheweth that Charles Mackdanel is Indepted to him fower pound fower shilling and teen peence And he haven obtained Attachment against ye Estate of ye Sd Mackdanel And ye plantac̄on And House being Atached ordered that Joseph Smith be paid his dept of fower pound fower Shillings With Cost of Sute

Upon a petic̄on of John Pirkens shewen that he Maid a Crop With ye Said Nichols And he was to Have a third part of evere thing that

Was Maid by ye Crop ordered that John Pirkens have A third part of y^e^ to backco.

Upon A peticon of John Lilly Shewen that Charles Mackdanel is Indepted to him Seven pound Nine Shillings And fower peence And he haven obtained Attachment Against ye Estate of Charles Mackdanel and ye Plantacon and hous being Attached ordered that John Lilly be paid his dept of Seven pound Nine Shillings And fower peence With Cost.

Upon a peticon of John Stepney Shewen that Charles Mackdanel is Indepted to him one pound three Shillings and ffower peence and he haven otained attachment Against ye Estate of Charles Mackdanel And ye Cattel and Hoggs being Atached ordered that John Stepney be paid his Just dept of one pound three Shilling and ffower peence With Cost of Sute

Upon a peticon of Robart Beasley Shewen that Charles Mackdanel is Indepted to Him Seven pound and five peence And he Haven obtained atachment against ye estate of Charles Mackdanel and ye Cattel and Hoggs being atached ordered that Robart Beasley Seven pound and five peence With Cost of Sute.

JOHN LILLY vars THOMAS HOUGHTON

In a plea of dept thare being a falt in ye declaration order that John Lilly be Nonsuted and pay Cost.

Upon a peticon of Christefer Butler Shewen that Charles Mackdan is indepted to him seven pound eighteen Shillings and he Haven obtained atach against ye Estat of ye Said Charles Mackdanel and ye Cattel and Hoggs being atached ordered that Christefer Butler be paid his dept of Seven pound eighteen Shillings With Cost.

JOHN HOPKINS vars GEORGE MATHES

In a plea of ye Case ye sd Mathese not apearing ye Marshall craved a reference ordered that It be referd.

Upon a peticon of Mr Caleb Calleway Shewen that Thomas Nichols is indepted to him thirty one Shillings and five peence and he Haven obtained atachment against ye estate of Thomas Nichols and ye books of accoun being atached ordered that Caleb Calleway be paid his dept of thirty on Shillings & five peence With Cost

Upon a peticon of William Lacy Shewen that he was bound for Charles Mackdanel in a bond of teen pound for his appearance at this Court and he haven departed this County ordered that he be paid What he shall make apeare to be damnefied With Cost he Haven obtained atachment against ye estate of ye sd Mackdanel

Upon a peticon of Joseph Web Shewen That Thomas Nichols Is Indepted to him two pound Eighteen Shilling and he haven obtained atachment against ye Estate of Thomas Nichols and ye books of acounts being atached Ordered that Joseph Web be paid his dept of two pound Eighteen Shilling With Cost.

Upon a peticon of Albart Albartson Sener That Thomas Nichols is indepted to him five pound fower Shillings and Six peence and he haven obtained atachment against ye estate of Thomas Nichols and ye book of accounts being atached ordered that Albart Albertson be paid his dept of five pound fower Shillings and five peence With Cost of Sute

CALEB CALLAWAY
RALPH FFLETCHER
JOHN GODFREY
SAMUEL NICKOLSON

March The 19 Anno 1696–7 James ffugeett Recorded his Mark being a Crop And A Hole In ye Right Eare and In ye Left a crop and a Slet in ye Crop and in ye Same Eare an under Keel and an over Keele.

Know All Men by these p^r^sents that I Jonathan Jones of pascotank have & hereby doe order & Apoynt My Trusty & Well beloved freind Collumb fflyn for to appeare At Any Court here, After held ffor ye p^r^sink of pequimons to Acknowledge ye Saile of A Certine track of Land & Plantation that by Pattine fformerly belong unto Charles Mackdanill & Since Sould by the Sd Charles to Stephen Manwaring & by Me purchased ffrom the Sd Manwaring & Since by Mee Sould unto ye Sd Stephen Manwaren Agine & for your Soe doeing this Shall bee to you A Soficient Warrent As Witness My Hand & Seale october ye 14 1696

ye mark of
Test James + P. Peresho
Nicholas + Johnson
his mark
ye mark of
Esekel + Moyle

Jonathan Jones +
Proven in Court ye 13th day of
Janewary 1696-7
Test ℔ John Stepney Cler

Recorded March 26th Anno 1697 ℔ John Stepney Cler

Albemarle Know All Men by these presents that I Thomas Lepper doe hereby Constitute And Appoint My trusty freind Mr Caleb Calleway My true And Lawful Attorney for Me And In My Name to Appeare At ye Court of ye p^r^einct of Pequimons And thare acknowledgment to Make of a Certaine deed of Sale Made from me ye Sd Thomas Lepper unto Thomas Long of A Certaine plantacon & Land Situate In Yawim Creeke in ye p^r^einct Afore Sd And I doe Here by Ratefy And Confirme

w^{t} My Sd Attorney Shall by vertue of these p^{r}sents doe therein And ye Same doe hold to be good And firme In Law As if I My Selfe had In ℔son ℔formed ye Same Witnes My hand and Seale ye 5 of December An^{o} Dni 1694

Signed Sealed And delivered
In p^{r}sents of Thomas Gough
Thomas T S Stephens
W. Glover

Tho: Lepper +

Proven in Court ye 13 day of Janewary 1696-7 by ye oath of Tho: Stephens Test ℔ John Stepney Cle

Recorded March ye 26 Anno 1697 ℔ John Stepney Cler.

APRIL 1697

At A Court Houlden ffor the p^{r}cinct of Piquemons At ye Hous of Mr Thomas Blunt ye Secont Monday In Aprill 1697 p^{r}sent Mr Caleb Calleway Judg Capt Ralph ffletcher Mr John Barrow Mr John Godfry Mr John Whedby Mr Samuel Nicholson

Mary Peterson Proved A Letter of An Atturney of Jacob Petersons by the oath of stephen Manwaren James Anderson.

ffrancis Tomes Aturney to William Vas And Joanna his Wife Acknowledged A dede of Sale to Stephen Manwared for A plantation And Shee In ℔son present.

ffrancis Tomes Proved A Letter of Aturnney of William Voses by Joshua Tomes.

Richard Nowel And Ellener His Wife Acknowledged A dede gift of two Hundred Acres of Land to Allis Nowel his da

Richard Nowell And Ellener His Wife acknowledged A ded of Sale for two Hundred acres of Land to Albert Alberson Juner Richard Batcheler And Katherine His Wife Acknowledged An Asignement of A plantation to Jenkins Williams

WILLIAM WILKINSON vars JONATHAN TAILOR

In a plea of dept ye said Tailor Confessed Judgment Order That Jonathan Tailor pay to William Wilkinson eighteen pound thirteen Shilling With Cost

The Court is A Jurned till to Morro eigh A elock

JOHN HOPKINS vars GEORG MATHES

In a Plea of ye Case thare being a falt In ye declaration ordered that John Hopkins be nonsuted And pay Cost

JAMES OATS Aturney to Mr THOMS BLUNT vars WILLIAM MANSELL

In a plea of dept thare being A falt in ye declaration ordered that James Oats be nonsuted And pay Cost.

Mr John Whedby Acknowledged A dede gift to his Son Richard Whedby And to his daughter Debro Whedby

JOHN LILLY vars THOMAS HOUGHTON

In a plea of debt The Court Referd It to ye Jury ye Jury on thare oathes Say Wee find It to be No Lawfull Arest It being Repugnant to the Lawes of england this is a posetif vardet

Ordered the James ffuget deputy Marshall pay Cost ye Said ffuget Craves An Apele In Chancery He Haven given Securitie his Apele Was Granted.

Upon a peticon of William Brathet Shewen that Charles Mackdanel is Indepted to Him Eigh pound And He Haven obtained Attachment Against ye estate of ye Said Mackdanel And ye Hoggs & Cattel being Attached ordered that William Brathet be paide his Just dept of eigh pound with Cost of Sute

Upon A peticon of Thomas Johnson Shewen that Thomas Nichols is Indepted to Him And ye Said Nichols Assumed to pay to Georg Mathes thirty Shillings And Nine pence that is doo upon ye book And He Haven Not given ye Said Mathes Credet ordered that James ffuget boockeper give credit for ye Said Sum

ordered that Abraham Hobs Lenord Loftis James Oats And Richard Nowel be overseers of the Hi Wayes

Ordered that Mr Caleb Callew And Mr John Barrow Summons John Lilly Robart Harman Johnathun Tailor to Receive ye oath They being Apointed Constabels By the Court.

Samuel Nicholson Maken Apeare That he Has Sattisfied His brother Nathaniel Nicholson His part of ye Estate that His ffather Left Him ordered that Samuel Nicholson bond be delivered up.

CALEB CALLAWAY
RALPH FFLETCHER
JOHN BARROW
JOHN WHEDBE
SAMUEL NICKOLSON

JULY 1697

At a Court Houlden for this prcinct at ye Hous of Mr Thomas Blunt ye Secont Monday In July 1697 prsent Mr Caleb Calleway Judg

Capt Ralph ffletcher Mr John Barrow Mr Samuel Nicholson

Collom fflyn Proved a Letter of Aturnney of Lorance Hunts and Elizabeth Hunt

Collom fflyn acknowledg an asignment of a Patten to John Morgan As he Was Atturnney to Lawrance Hunt and Elizabeth his Wi

James Hibins and Jane Harbut acknowledg a ded of Sale to Thomas Norcom for tw Hundred and Eighty acres of Land.

JOHN LILLY vars THOMAS HOUGHTON

In a plea of dept ye Said Houghton confesed Judgment ordered that Thomas Houghton pay to John Lilly forty three Shillings & eigh peence With Cost of Sute.

JAMES OATS ATTURNEY TO Mr THOMAS BLUNT vars WILLIAM MANSELL

In a plea of dept ye sd Mansell Confesed Judgment ordered that William Mansell pay to Mr Thomas Blunt thirty two Shilling & two pence With Cost

James Oats proved a letter of Aturney of Mr Thomas Blunt by Stephen Manwaren.

James Oats proved a letter of Atturney of Peter Panel by ye oth of Stephen Manwaren

Edward Homes proved Writs for fifteen ℔sons transported Into this County Whoese name are under Wretten vis him Selfe Elizabeth his Wife Tho: Homes Edward Homes Juner Edward Homes Sener Elizabeth his Wife Tho: Homes Edward Homes Juner Sarah Homes Elizabeth Homes Edward Homes Sener Elizabeth his Wife Thomas Homes Edward Homes Juner John Homes ordered that ffrancis Copen & Timothy clare be overseers of the High Ways.

Upon a peticon of Margret Panel Shewen that hir Husband is departed ye County and has Left grate parte of My Estate In James Oats Hands Which is Surreptusly detained Ordered That James Oats Keep In his Custodie all ye Estate that is mentioned in his bill of Sale till ye Said Panell com and Satisfie ye Court about ye Children Estate Given them by ye Last Will and Testemony of John White desesed

CALEB CALLAWAY
RALPH FFLETCHER
JOHN BARROW
SAMUEL NICHOLSON

October 1697

At a Court Holden for the precinct of piquemons At the Hous of Thomas Blunt ye Secont Monday In October 1697 p^r^Sent Capt Ralph ffletcher Mr John Whedby ye 18th day psent Caleb Calleway Samuel Nicholson.

The Court is Rejorned till Monday next being ye 18th da

Daniel Snuk Acknow A Convaence for two hundred Acres of Land to John Lilly

John flowers And Susana his Wife Acknowledg A ded of Sale for his plantacon and three Cowes & Cal

John Lilly vars David Sharwood In a plea of dept ye said Sharwod Confesen Judgment ordered y^t^ ye Sd Sharwod pay to John Lilly forty shillings ye one half In pork and ye other haf in Indian Corn With Cost of Sute

Richad Bachelder plaintef vars William Barrow Excecetor to John Bentley thare being a folt in ye declaration ordered that he be Non Snted And pay Cost

Jenkins William And Johanna his Wife Acknowledg An Assignement of part of a patten for on hundred And fifty eigh Acres of Land to Joseph Benet

John Spence proved three Rits for three ℔sons transported Into this County Whoes names are under Wretten vis him Selfe Cattern his Wife Robart Spence.

Alexander Spence proved Rits for five ℔sons transported Into this County hoes names are under Wretten vis himselfe Dorety Spence John Spence Daved Spence James Spence.

John Shaw proved on Rite for his transportation

John Hancock acknowladged a ded of Sale to Richrd Woolard for three Hundred Acres of Land

Diana White vars Daved Harris In a plea of det and ye Said White not apearen ordered that Diana White be nonsuted and pay cost

Elisabeth Viner And Ann Viner Acknowledg An Indenter to ye Hon^bl^ Thomas Harvey Esqr Deputy Govr

James Beel And Mary Beel acknowledg an Indentr to William Carman

Upon

CALEB CALLOWAY
RALPH FFLETCHER
JOHN WHEDBE
SAMUEL NICHOLSON

January 1698

At A Court ffor the Precinct of Piquemons At the House of Mr Tho: Blunt ye Secont Monday In Janewary 1698 p^r^Sent Mr Calleb Calleway Capt^t^ Ralph ffletcher Mr John Whedbe Mr John Barrow Mr Samuel Nicholson

The Court Is A Jurn to Mr Jeames Oats.

The Court Met At ye Hous of Mr Jeames Oats.

Corenall William Wilkinson And Capt Henderson Walker Exr of Majer Allex Lillington desesed vars Richard Bachelder ye Sd Bachelder confesed Judgment ordered that Richard Bachelder pay to Henderson Walker fower pound Seven Shilling And two peence With Cost In poork

Robert Beasle vars Richard Bachelder in a plea of Debt ye sd Bachelder Confesed Judgment ordered that ye Said Richard Bachelder pay to Robart Beasle twelfe pound Starling In poork With Cost of Sute

Capt Henderson Walke And Corll William Wilkinson Ex of Majer Alex Lillington desesed vars Jonathan Batman ye Sd Batman not Aparen ordered that ye Shrife bring ye bodie of ye Sd Batman ye Next Cort

Capt Henderson Walker And Corll William Wilkinson Exr to Majer Alex Lillington vars diana White In A plea of debt ye Sd White Confesed Judgm ordered that Diana White pay to Henderson Walker fifteen pound on Shilling And fower pence In poork With Cost of Sute

Capt Henderson Walker Maken Apear that John Chamberlin Is Indebted to Majer Alex Lillington one pound Nine Shilling and Seven pence And he haven obtained An Attachment Against his Estate and on Mare Attached At ye Sut of Alex Lillington ordered that ye Shrife Make Saile of ye Mare Apraised According to Law And pay to Henderson Walker on pound Nine Shillings And Seven pence With Cost And ye over plush to Return to ye Sd Chamberlin

Gabrill Newbe Acknowledg A ded of Saile for Land to Charles Scot

Charles Scot Acknowledg A ded of Saile for Land to Gabrill Newbe.

William Edward acknowledg a ded of saile for Land to Arnall White John Cartrite

Gabrel Newby Atturney to Elizabeth Charles And Samuel Charles Acknowledg A dede of Sale for Land to Charles Scot David Sharwood And Jane his wife Acknowledg A ded of Sale for Land to John Pricklov

Dina Butler Acknowledg A ded of Sale for Land to William Moore

Beniamin Laker and Julian His Wife vars Anthony Dawson.

In a plea of ye Case ye Court Referd It to ye Jure ye Jure on thare oathes Say they find for ye Plaintef eigh pound Sixteen Shillings & aleven peence ordered that Anthony Dawson pay to Beniamin Lakar eigh pound Six Shillings & Aleven peence with Cost of Sute

Anthony Dawson vars Beniamin Laker

In a plea of ye Case ye Court Referd It to ye Jure ye Jure on thare oathes Say thay find for ye Plaintef Seven pound Nine Shillings & Nine

peence ordered that Beniamin Laker pay to Anthony Dawson Seven pound Nine Shillings & Nine peence With Cost of Sute

Gabrell Newby and Thomas Overman proved a Will of Joseph Nicholsons Samuel Nicholson being Exce And John Nicholson to Joseph Nicholson

James ffisher Acknowledg A ded of Saile for Land to William White

Gabrell Newby Proved A Letter of Atturnney of Elisabeth Charles is by ffrancis Tomes

Ellener Hibbens Acknowledg a deed of Saile for hir part of Land to Tho: Norcom

Ordered that Timethe Clare And Isack Wilson be ye Keepers of ye toole bookes of Piquemons Precinct Timothy Clare on ye West Sid and Isack Willson on ye Es^t^ Sid

CALEB CALLAWAY
RALPH FFLETCHER
JOHN BARROW
JOHN WHEDBE

1698.

[B. P. R. O. B. T. Proprieties. No. 25. p. 195.]

W. BRIDGMAN TO W. POPPLE.

S^r^

In answer to your Letter of yesterday. I send you enclosed an acc^t^ of the Officers appointed in the Courts of Admiralty in North and South Carolina, according as is desired by your said Letter. I am

S^r^

your most humble servant
Wm BRIDGMAN

Adm^ty^ Office
16th Feb 1697–8.

LIST OF THE ADMIRALTY OFFICERS IN NORTH AND SOUTH CAROLINA

Mr Edw: Hill—Judge Miles Carey—Register Mich: Sherman—Marshal Edw: Chilton—Advocate	of the Colony of Virginia and North Carolina	Appointed by an Order to ye Govern^t^ of those Colonys for the time being Dated the 19th of April last

Mr Jos: Norton—Judge Tho: Carey—Register Rd Pollinger—Marshal Jona Armorey—Advocate	of South Carolina	Appointed by an Order of Sr Chas: Hedges the 29th of April 1691.

And an Order was given to Sr Chas: Hedges Judge of the High Court of Admiralty the 28th of May 1671. to prepare Letters Patents, empowering the Governours of those Places for the time being to appoint such Officers when any vacancies shall happen.

[B. P. R. O. North Carolina. B. T. Vol. 4. p. 57.]

London 9ber ye 3d 1698

Gentlemen

Having this opertunity by a friend of Mr Archdale & mine who Intends to Inhabit among you I could not omitt letting you know that your Letters are recd by ye Lords but by reason of ye calling of a new parliamt most of ym being now in ye country you may expect their answer & directions ℔ first oportunity after there Returne, the most material matter is that of ye Governor of Virginia settling by virtue of the Kings Comisse Judges of ye Admiralty with you, I have had some discourse with ye Earle of Bathe about it, who very well aproves of your answer to ye said Governors Letter but we were both of ye opinion, that if they will force such a thing upon you, it is better at this time to suffer it, then to give any occasion of a dispute, this I thought fitt to acquaint you of my owne head, having not at present ye oportunity of a better advice by ye next you will have ye opinion of ye board of ye Lords proptors concerning all your matters, till then I have no more to add but that I am

Your most affectionate
friend

THO: AMY

To Tho: Harvey Esqr Deputy
Governor and to Our Councell
of North Carolina

[B. P. R. O. B. T. N. Carolina. Vol. 4. p. 58.]

BY THE LORDS JUSTICES OF ENGLAND

Tho: Cantuar
Pembroke
Devonshire
Dorsett
Marlborough

To the right honorable the Lords Proprietors of his Majesty's Province of Carolina in America Greeting His Majesty having been informed that the Navall Officers being ye Persons apointed by ye Governours in his respective Plantations in America to take Bonds and give Certificates for clearing of ships have generally neglected to comply with the direction of ye late Act of Parliament for preventing frauds & regulating Abuses in ye Plantation Trade which dos require their giving security to ye Comissioners of ye Customes in England for ye due discharge of their Trust, And it having been farther represented to his Majesty that besides ye security which ye said Navall Officers are obliged by Law to give, it would be very expedient that according to ye constitutions of ye Customes in England which has provided a controule upon ye action of every Officer imployed therein the Concurrence of the Collectors apointed by ye Comis^rs^ of ye Customes in his Majesty's respective Plantations should also be made necessary to so important an act as that of signing Certificates for clearing of ships, His Majesty taking ye same into consideration is hereby pleased to declare his Will and Pleasure, and you are accordingly hereby required forthwith to give directions to your Governor that he takes care that ye Navall Officer or officers in His Majesty's Province of Carolina in America under his Goverm^t^ doe give security for ye due discharge of his or their Trust to such Person as is or shall be apointed by ye Comissioners of His Majesty's Customes for that purpose according to ye direction of ye forementioned Act of Parliament And likewise that he doe not admitt or allow any Certificate signed by ye Navall Officer or Officers aforesaid for ye clearing of ships within His Majesty's said Province of Carolina in America to be valid and effectual for that end without ye Concurrence of ye Collector apointed there by ye Comis^rs^ of His Majesty's Customes. Given at Whitehall the 13th day of 9^ber^ 1698 in the tenth year of his Maj^ty's^ Reigne

By their Excellencys Command

JA. VERNON

[Records of Perquimans Precinct Court.]

April 1698

At A Court Holden for the Precinct of Pequemons At the House of James Oats the Secont Monday In Aprill 1698 p^r^sent

Mr Caleb Calleway Capt Ralph ffletche Mr Samuel Nicholson

Daniel Hall proved two Rits one for his transportation And one for his freedum

Robart Smith proved on Rite for his transportation into this County And Asigne It to John Dawson

John Dawson proved on Rite for his transportation into this County

Rose Ingan proved one Rite for hir transportation Into this County And Asigned It to John Dawson

Mager Samuel Swann vars Stephen Manwaren In A plea of debt ye Sd Manwaren Confessed Judgment ordered that Stephen Manwaren pay to Samuel Swann thirty three Shilling And fower peence With Cost Ales Excecuti

Cor^ll^ William Wilkinson And Capt Henderson Walker Excetors of Alex Lillington desesed vars Jonathun Batman In a plea of debt ye Sd Batman Confesed Judgment

ordered that Jonathun Batman pay to Capt Henderson Walker thirty Shillings in Pork With Cost

ordered that Thomas Norcom be overseer of ye high Way from ye Brig that ye Chowans Men Makes over yoapim River to ye Indien Crick

And to Make A brig over ye Crick And to Mark And Cleare to ye next maine Rode not Inieren no Man's Plantation and to Mark And Cleare Along ye ould Roade to Jeames oatses

ordered that Edward Orendal be overseer of ye High Wayes on ye Est Side of Yoapim Crick

ordered that William Booge be Cunstabel one ye Narroes of piquemons to Suttens And to Mr Lakers Crick on ye West Side

CALEB CALLAWAY
RALPH FFLETCHER
SAMUEL NICHOLSON

May the Sevent 1698 Abraham Warren Recorded A dark Bay Mare Coult Which he bough of Margaret Pavel to Run Shee And hir Increse for ye yous of ye Sd Margret Pavels Children Elisabeth Tederton ye first Coult William Tederton ye Next Daniel Hall ye Next William Hall next.

July 1698

At A Court Houlden for the p^{r}cinct of piquemon At ye house of Mr James Oats ye Secont Monday in July 1698 p^{r}sent Mr Caleb Calleway Capt Ralph ffletcher Mr John Barrow Mr Samuel Nicholson William Long And Sarah his Wife Exce to Lawrance Consalvo proved his Will by ye oth of Thomas Norcom And Mare his Wife and Sarah Blank

Mary Peterson Excecetrix of Jacob Peterson decesed Proved his Will by ye Oathes of James ffrnget And Marthe ffruget

Mare Peterson Acknowledg a dede gift mad to hir daughter Ann Peterson

William Steward vars Thomas Norcom In A plea of ye Case And both parties bein agreed ordered that Tho: Norcom deliver the Cow And yearling to ye Sd Steward he paying to ye Sd Norcom on hundred pound of good tobacc With Cost Ales Excecution

Samuel Hearst proved Rits for fower ℔sons transported Into this County Whos Names are under Written vis himselfe Jane Chaddock John Doughatre Jane Jane Daughatre

Hennery Norman proved Rites for eight ℔sons transported Into this County Whoes Names are under Wreten vis him Selfe Mary his Wife Andrew Ross Mary Ross Thomas Ross John Simmons Georg Waide James Ross

Upon A petition of William Long And Sarah his Wife Shewing y^{t} Lawrance Consalvo hir Sun is ded haven Made A Non quetecall Will It is ordered that William Long have ye Adm^{r} of ye goods And Chattells of ye Sd Lawrance Consalvo estate haven entred Into bond And Securitie for ye Same

Samuel Nicholson And John Nicholson Exce of Joseph Nicholson desesed Acknowledg An Asignement of A Convaance to Andrew Reed

Ordered that Jenkins Williams be overseer of ye high Ways on ye Sound Side

Ordered that Samuel Charles be overseer of ye high Ways from ye Siprus brig to ye head of Caseltons Creek

ordered that Georg Sutten be overseer of ye High Wayes beginen at ye usal place at deep Creek and so to ye Run of Suttens Creek

ordered that ffrancis Tomes Juner be overseer of the High Wayes from ye Run of Suttens Creek to ye Run of Vosel Creek

ordered that Richard Adkinson be overseer of ye High Wayes from ye fforrd in Little River to Suttons Creek brigd.

CALEB CALLAWAY
RALPH FFLETCHER
JOHN BARROW
SAMUEL NICHOLSON

July ye 12th Anno 1698 Ralph ffletcher Sener Recorded His Marke being on ye Right Eare a Slet and a Slet and a halfe penney on ye uper Sid and ond ye Left a nick on ye under Sid of ye ear

July ye 12th Anno 1698 George ffletcher Recorded His Marke being a crop and a Slet and a halfe peney In ye Rite eare and on ye Left eare a Halfe peney At ye roote on ye uper Side of ye eare

Sarah ffletcher Recorded Hir Marke ye 12th day of July Anno 1698 being a Crop and a Slet on ye Rite eare and a halfe peney And a Nick on ye under Side of ye Said eare.

July ye 12th Anno 1698 Margret ffletcher Recorded hir mark being a Crop and a Slet and a halfe peney and a nick on ye under of ye Right eare and in ye Left eare a Slet.

July ye 26th Anno 1698 Robart Dugles Recorded His Marke being a Swollofork And A Hole In ye Right eare and an over Keele In ye Left ear

July ye 27 Anno 1698 John Hawkins Recorded his mark being a Crop on the Left eare and an under Keele on the Right Eare

October 1698.

At A Court Holden At the house of Mr James Oats the Secont Monday In october 1698 p^r^sent

Mr Caleb Callaway Mr John Whedby
Mr John Barrow Mr Samuel Nicholson

Mistres Elisabeth Swann ye Wife of Mager Samuel Swan ye Rellock of Capt John ffendall decesed Acknowledg A deed of Sale for A tract of Land in Chowwan to Capt Henderson Walker barin date ye 18 Day of May Anno 1698

Mager Samuel Swann Acknowledg A dede gift to Capt. Henderson Walker for the yous of Mistres Elisabeth Swann

Elisabeth Gardner ye Rellock William Gardner desesed p^r^sented hir selfe before ye Court to bind hir Son William Gardner to ye Hon^bl^ Govener Thomas Harvi or his Heires thay Ingagen to Learn him to Reed Which In or to Was doon till he comes to ye Age of Twenty on yeares he being five years ould now a fortnite before Crismas

Mr Caleb Calleway proved A Letter of Atturney of James Hogg And Ann Hogg by ye Oates of William Long And Sarah Long

Mr Caleb Calleway Atturnney to James Hogg And Ann Hogg Acknowledg An Asignment of A Convaence for Land to Thomas Long

Ordered that Timothy Clare be overseer of ye High Way from ye Runn of boses Creek to ye place Covenant to make A brig At ye head of ye river And ℔sons that are Willing Are requiered to Assist In ye Making of ye brig

Ordered that James ffisher be sepened before Mr Caleb Calleway And Mr John Barrow to Answer a Complant mad by the Constable And to Sepene Thomas Norcom An Evedence

Mr Caleb Calleway Atturney to James Hogg And Ann his Wife provet thare Letter of aturney by William Long and Sarah Long

CALEB CALLAWAY
JAMES BARROW
JOHN WHEDBE
SAMUEL NICHOLSON

1699.

[B. P. R O. B. T. N. Carolina. Vol. 4. p. 59.]

ORDERS AND INSTRUCTIONS TO OUR RIGHT TRUSTY AND RIGHT WELLBELOVED, OUR RIGHT TRUSTY AND WELLBELOVED OUR TRUSTY AND WELLBELOVED THE LORDS PROPRIETORS OF CAROLINA IN AMERICA IN PERSUANCE OF SEVERALL LAWS RELATING TO Ye TRADE AND NAVIGATION OF THIS OUR KINGDOME OF ENGLAND AND OUR COLONYS & PLANTATIONS IN AMERICA GIVEN AT KENSINGTON Ye 22d DAY OF JANUARY IN Ye TENTH YEARE OF OUR REIGNE.

William R

You shall give directions and take especiall care that ye Comander in chief of our Province of Carolina for ye time being doe in ye first place informe himself of ye Principall Lawes relating to yr Plantation Trade vizt. The Act for incouraging and increasing of shipping and navigation made in ye 12th year of our most Dearly Beloved Uncle of ever Blessed Memory King Charles ye Second, The Act for preventing frauds and regulating Abuses in ye Customes made in ye 14th yeare of yr said King's Reigne; The Act for Encouragemt of trade made in yr 15th year of ye said King's Reigne; The Act for regulating Plantation trade made in ye 22d and 23d year of ye said King's Reigne; The Act for ye Encouragemt of ye Eastland and Greenland Trade and better securing ye Plantation Trade made in ye 25th yeare of yr said King's Reigne, and ye Act for

preventing fraudes and regulating abuses in ye Plantation trade made in ye 7th and 8th year of our Reign All which Lawes you will herewith receive, and that he take a Solemn Oath to doe his uttmost that all ye Clauses matters and things contained in ye before Recited Acts of Parl^mt^ heretofore passed and now in force relating to our Colonys and Plantations be punctually observed according to ye true Intent and meaning thereof.

2dly And as by ye last recited Act ye Officers apointed by ye Governors for performance of certain things mentioned in ye aforesaid Act for ye Encouragem^t^ of Trade comonly knowne by ye name of Navall Officers are to give security to ye Comis^rs^ of Our Customes in England for ye time being or such as shall be apointed by them for our use for ye true and faithfull Performance of their Duty and shall take care that ye person by him so imployed do not only give such security to ye said Comis^rs^ of our Customes but be approved of by them in manner as is thereby enjoyned.

3dly Whereas by ye said Act of Navigation no goods or Comoditys whatsoever are to be imported into or exported out of any of our Lands Islands or territorys in America in any other ships or vessels whatsoever but in such as do truly and without fraude belong to our People of England Ireland Dominion of Wales, or towne of Berwick upon Tweed or are of ye built of and belonging to any of our Islands s^d^ Lands or territorys as ye Prop^rs^ and right owners thereof, and whereof ye Master and three fourths of ye Marriners at least are English under ye forfeiture and loss of all ye Goods & Comoditys which shall be imported into or exported out of any of ye said places in any other ship or vessell as also of ye ship or vessell with her Guns and furniture &c, and whereas by a Clause in ye aforesaid Act of fraudes no forreigne built ship (that is to say) not built in any of our Dominions of Asia, Africa or America or other then such as shall bona fide have been bought before ye first day of October 1662 and expressly named in a list thereby appointed to be made of all forraigne built ships in all ye ports of England shall enjoy ye privilege of a ship belonging to England or Ireland, altho' owned or mann^d^ by English, except such ships onely as shall be taken at sea by letters of Mart or Reprizall and condemnation made in ye Court of Admiralty as lawful Prizes, But all such ships shall be deemed as Aliens ships, and be lyable to all Dutyes that Aliens ships are liable to, by virtue of ye aforesaid Act for ye encouraging and increasing of shipping and Navigation and whereas by a Clause in ye aforesaid Act for preventing fraudes and regulating Abuses in ye Plantation trade, 'tis enacted that

after ye 25th of March 1698 no Goods or Merchandize whatsoever, shall be imported into or exported out of any of our Colonys or Plantations in Asia, Africa or America or shall be loaden in or carryed from any one Port or place in ye same our Kingdom of England, Dominion of Wales or Towne of Berwick upon Tweed in any ship or bottom but what is or shall be of ye Built of England or of ye Built of Ireland or of ye sayd Colonys or Plantations and wholly owned by ye people thereof or any of them, and navigated with ye Master and three fourths of ye Marriners of ye said Places onely except such ships onely as shall be taken prize and condemnation thereof made in one of our Courts of Admiralty in England, Ireland or ye sayd Colonys or Plantations as aforesaid, and whereof ye property dos belong to English men with an exception for 3 years to such foreign built ships as shall be imployed by ye Comissioners of our Navy for ye time being or upon Contract with them in bringing onely Masts, Timber, and other Navall stores for our service from our Colonys or Plantations aforesaid to this our Kingdome to be navigated as aforesaid and whereof ye property dos belong to English men on ye paine of ye forfeiture of ye ships and goods And whereof by another Clause of ye said Act for ye more effectuall prevention of frauds which may be used by colouring foreigne ships under English names tis further enacted that from and after ye 25th of March 1698 no ship or vessell whatsoever shall be deemed or pass as a ship of ye Built of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of our Plantations in America so as to be qualified to trade to from or in any of ye said Plantations nntill ye Person or Persons claiming property in such ship or vessell shall register ye same in maner thereby apointed. The Comander in chief of our Province of Carolina for ye time being shall take care and give in charge that these matters and things be duely observed in our said Province according to ye true intent and meaning of ye said Acts, and ye Offences and Offenders prosecuted according to ye directions thereof And where it is required that ye Master and three fourths of ye Marriners be English he is to understand that ye true intent and meaning thereof is that they shall be snch during ye whole voyage unless in case of sickness Death or being taken prisoners in ye voyage to be proved by ye Oath of ye Master or other chief officer of ye ship and none but our subjects of England, Ireland or ye Plantations aforesaid are to be accounted English

4^thly^ Whereas by ye said Act of Navigation tis further enacted for every ship or vessell which shall sett saile out of or from England, Ireland, Wales or Berwick upon Tweed for any English Plantation in America Asia or Africa sufficient bond shall be given with one Surety to

ye^e^ cheif officer of ye Customes of such Port or Place from whence ye said ship shall sett saile to ye value of £1000 if ye ship be of less burden then hundred tons and of ye sume of £2000 if ye ship shall be of greater burden, that in case ye said ship or vessell shall loade any of ye Comodityes therein enumerated, vizt, sugar Tobacco, cotton, wooll, Indigo, Ginger, Fustick or other dying wood of ye growth production or manufacture of any English Plantation in America Asia Africa or any of ye said English Plantations that ye same Comodityes shall be by ye said ship brought to some Port of England, Ireland, Wales or to ye Port or Towne of Berwick upon Tweed and be there unloaden and put on shore (ye danger of ye seas onely excepted) and for all ships coming from any Port or Place to any of ye aforesaid Plantations which by this Act are permitted to trade there that the Governor of such English Plantations shall before ye said ship or vessell be permitted to loade on borde any of ye said Comodityes take bond in maner and to ye value aforesaid for each respective ship or vessell that such ship or vessell shall carry all ye aforesaid goods that shall be loaden on board ye said ship to some other of our English Plantations, or to England, Ireland, Wales or Berwick and that every ship or vessell which shall loade or take on bord any of ye aforesaid untill such Bond be given to ye said Governor or Certificate produced from ye Officer of any Custome house of England, Ireland, Wales or Berwick, that such Bond has been duely given there shall be forfeited with her Guns Tackle, Apparell and Furniture to be imployed and recovered as therein is directed, He is to take notice that tho' by ye said Act ye word (Ireland) is to be inserted in ye condition of ye Bond and permission given thereby to heing ye enumerated Plantation Goods to Ireland as well as to England Wales or Berwick, yet by ye aforesaid Act for regulating ye Plantation Trade (which being expired was revived and now in force (ye word Ireland) is to be left out of ye condition of such Bonds, and he is not to permitt any ships or vessells to loade any of ye enumerated Goods upon any Certificates of Bonds having been given in Ireland, but in that case before they loade any of ye said goods, they are to produce certificates of Bonds given in England, Wales or Berwick under ye hands and seales of ye Customer and Comptroller of our Customs or their Deputys in such Port from whence ye respective ships shall come syned also by four or more of ye Commissioners of our Customes in Ireland or to give bond to himself or ye person apointed to receive ye same with good security as aforesaid and if any ship or vessell shall trade or take on bord any of ye said Comodityes untill such Bond given or Certificate produced ye said ship or vessell is to be forfeited with her guns &c to be recovered and divided in maner as is thereby directed:

5thly He shall carefully examine all certificates which shall be brought to him of ships giving security in this Kingdome to bring their loading of Plantation Goods hither as also certificates of having discharged their loading of Plantation Goods in this Kingdom pursuant to their Security and where there shall be reasonable Ground of suspition that ye certificates of having given security in England is false. In such case he or ye person apointed under him shall require and take sufficient security for ye discharge of ye Plantation lading in our Kingdom of England Dominion of Wales or at ye towne of Berwick upon Tweed, and where there shall be cause to suspect that ye certificates of having discharged ye lading of Plantation in this our Kingdom is false & counterfeit he shall not cancell or vacate ye security Given in ye Plantations untill he shall be informed from ye Comisrs of our Customs in England that ye matter of ye said certificate is true, and if any person or persons shall counterfeit raze or falsify any such certificate or shall Knowingly or wittingly make use thereof he shall prosecute such person for ye forfeiture of ye sume of £500 according to a clause of ye aforesd Act for preventing frauds or regulating abuses in ye Plantation trade, and pursuant to ye said Act he shall take care that in all such Bonds to be hereafter given or taken in ye Plantations vizt. in our Province of Carolina ye sureties therein named be persons of Knowne Residence and ability there for ye value mentioned in ye said Bond be within 18 months after ye date thereof (ye danger of ye seas onely excepted) to produce certificates, of having landed aud discharged ye Goods therein mentioned in one of our Plantations or in our Kingdom of England, otherwise to attest ye copy of such Bond under his hand and seale, and to cause prosecution thereof.

6thly He is to understand that ye paymts of ye rates and Dutys imposed (by ye Aforesaid Act for ye Encouragemt of ye Eastland and Greenland Trade and for ye better securing ye Plantation trade) on ye severall Plantation Comodityes therein anumerated dos not give liberty to carry ye said goods to any other place then to some of our Plantations or to England, Wales or Berwick onely, and that notwithstanding ye payment of ye said Dutys, Bond must be given to carry ye said Goods to some of our Plantations or to England, Wales or Berwick, and to no other place.

7thly He shall every three months or oftner or otherwise as there shall be oportunity of conveyance to England transmitt to ye Comisrs of our Customes in England a list of all ships or vessells trading within our said Province according to ye forme and specimen herewith sent to you and he shall cause demand to be made of every Master at his clearing of an Invoyce of ye contents and quality of his lading &c according to ye

forme herewith also sent you and to inclose copy thereof by some other ship, or for want of such oportunity by ye same ship under cover sealed and directed to ye said Comis^rs^ of our Customes in England and send another copy thereof in like manner to ye Collectors thereof of that Port in England for ye time being to which such ship shall pretend to be bound.

8° Whereof by ye aforesaid Act for ye encouragem^t^ of trade no Comoditys of ye growth, production or manufacture of Europe except salt for ye fishery of New England, & Newfoundland, wines of ye growth of Maderas or western Islands or Azores Servants and horses from Scotland or Ireland and all sortes of victuals of ye growth and production of Scotland and Ireland shall be imported into any of our Colonys or Plantations but what shall be bona fide and without fraud laden and shipt in England, Wales or at Berwick and in ships duely qualifyed; He shall use his uttmost endeavour for ye due observance thereof, and if contrary hereunto any ship or vessell shall import into our said Province any Comoditys of ye growth production or manufacture of Europe but what are before excepted of which due proof shall not be made that ye same were laden or shipt in some Port in England, Wales or at Berwick by producing Cackets or certificates under ye hands and seales of ye Officers of our Customes in such Port or Place where ye same were laden, such ship or vessell and goods are to be forfeited He is to give in charge that ye same be seized or prosecuted accordingly.

9° And in order to prevent ye acceptance of forged Cockets or certificates which has been practised to our great prejudice he is to give effectuall orders that all such European Goods as by ye said Act are to be shipt or ladeu in England, Wales or at Berwick, Cockets for ye same from hence be produced to ye Collector or other officers of our Customes in our said Province of Carolina for ye time being before ye unlading thereof. And he shall give order that no European goods be landed but by warrant of ye said Collector in ye presence of an Officer apointed by him, and for ye better prevention of frauds of this kind the Comander in chief of our said province for ye time being shall take care that according to ye said Act of trade no ship or vessell be permitted to lade or unlade any goods or Comoditys whatsoever untill the Master or Comander thereof shall first have made knowne to him or such officer or other person as shall be thereunto Authorized and apointed ye Arrivall of s^d^ ship or vessell with her name, and ye name and Surname of her Master and has shewne that she is a ship duely navigated and otherwise qualifyed according to Law and has delivered to him or such other person as afore-

said a true and perfect Inventory of her lading together with ye place or places in which ye said goods were laden and taken into ye said ship or vessell under forfeiture of such ship and goods.

10° He shall not make or allow of any By lawes usages or Customes in our said province of Carolina which are repugnant to ye Lawes herein before mentioned or any of y^m^ so far as they do relate to our sayd plantations or any of them or to any other Law hereafter, to be made in this our Kingdom so farr as such law shall relate to and mention ye said Plantations But he shall declare all such Lawes, Bylawes, usages or Customes in our sayd Province, which are anywise repugnant to ye forementioned Lawes or any of them, to be illegall, null and voyd to all intents & purposes whatsoever.

11° He shall be ayding and assisting to ye Collector & other officers appointed or that shall hereafter be apointed by ye Com^rs^ of our Customes in England by and under ye authority and direction of our Lord High Treasurer of England or Comis^rs^ of our Treasury in England for ye time being in putting in execution ye severall acts of Parliament before mentioned and he shall cause due prosecution of all such persons as shall any ways hinder or resist any of our said Officers of our Customes in ye performance of their duty.

12° He shall take care that upon any actions suites and Informations that shall be brought comenced or entred in our said province of Carolina upon any Law or statute concerning our Dutys or ships or Goods to be forfeited by reason of any unlawfull Importations or Exportations there be not any jury but of such as are Natives of England or Ireland or are born in any of our said Plantations.

13. If he shall discover that any persons or their assignes clayming any right or property in any Islands or Tracts of Land upon ye continent of America by Charters or Letters Patents shall at any time hereafter alien sell or dispose of any of ye said Islands, Tracts of Land or Proprietys other then to our naturall born subjects of England, Ireland, Wales or Berwick without ye Licence and consent of us our heirs and Successors by our or their order in Councill first had and obtained He shall give notice thereof to us or to our Lord High Treasurer of England or Comis^rs^ of our Treasury in England for the time being.

14. He shall take care that all Places of trust in ye Courts of Law or in what relates to ye Treasury of our said Province be in ye hands of our Native born subjects of England or Ireland or ye Plantations.

15. He shall from time to time correspond with ye Comis^rs^ of our Customes here in England for ye time being and advize y^m^ of all failures, neg-

lects, frauds and misdemeanours of any of ye Officers of our Customes in our s^d^ Province and shall also advize y^m^ as occasion shall offerr of all occurrences necessary for their information, relating either to ye aforesaid Laws of trade and navigation and to our Revenues of Customes and other dutys under their management both in England and ye Plantations.

16. Whereas by ye aforesaid Act for preventing frauds and regulating abuses in ye Plantation trade 'tis provided for ye more effectuall prevention of frauds which may be used to elude ye Intention of ye said Act by colloring foreigne ships under English names that from and after ye 25th of March 1698 no ship or vessell shall be deemed or pass as a ship of ye built of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of our Plantations in America so as to be qualifyed to trade to, from, or in any of our said Plantations untill ye person or persons clayming property in such ship or vessell shall register ye same in maner thereby directed And whereas by an Act past in ye ninth and tenth yeare of our Reigne entitled an Act for enlarging ye time for registering of ships pursuant to ye Act for preventing frauds and regulating abuses in ye Plantation trade nine months longer time from ye said 25th of March 1689 are granted and allowed for ye registring of such ships. And it is provided that all such ships or vessels being registered within ye said nine months shall have and enjoy all such benefit and advantage of ye aforesaid Act as they might or could have had in case they had been registered before ye 25^th^of March 1698 The Comander in chief of our said Province for ye time being shall take care that no foreigne built ship be permitted to pass as a ship belonging to our Kingdom of England, Ireland, Wales or to our town of Berwick upon Tweed untill proof be made upon oath of one or more of ye owners before ye Collector or Comptroller of our Customes in such Port to which she belongs or upon like proof before ye said Comander in chief with ye principall Officers of our revenue residing in our said Province if such ship shall belong to our said Province which oath ye said Comander in chief and ye Officers of our customes respectively are authorized to administer in maner thereby directed And being attested by him or them so administring ye same, and registred in due forme according to ye specimen thereunto annexed, he shall not fayle immediately to transmit a duplicate thereof to ye Court Comis^rs^ of our Customes in London in order to be entered in a general Register to be there kept for that purpose with penalty upon every ship or vessell trading to, from or in any of our said Plantations in America after ye said 25th of March 1689 and nine months longer as aforesaid and not having made proof of her built and property as by ye forementioned Act

is directed that she shall be lyable to such prosecution and forfeiture as any foreigne ship, except Prizes condemned in our High Court of Admiralty) would for trading with our plantations by ye said law be lyable unto with this Proviso that all such ships as have been or shall be taken at Sea by Letters of Mart or Reprisall and Condemnation thereof made in our High Court of Admiralty of England as lawfull shall be registered specially, mentioning ye capture and condemnation instead of ye time and place of building with proof also upon oath that ye entire property is English before any such Prizes be allowed ye privilege of an English built ship according to ye meaning of ye said Act, and that no ships names registered be afterwards changed without registring such ships de novo (which by ye said Act is required to be done upon any Transfer of property to any other Port) and delivering up ye former certificate to be cancelled under ye same penaltys and in like Method and that in case of any alteration of Property in ye same Port by ye sale of one or more shares in any ship after registring thereof such sale shall always be acknowledged by endorsem^t^ on the certificate of Register before two witnesses in order to prove that ye entire Property in such ship remaines to some of our subjects of England if any dispute shall arise concerning ye same.

17. And whereas notwithstanding ye many good Laws made from time to time for preventing of frauds in ye plantation trade which have been enumerated in these and former Instructions it is manifest that very great Abuses have been and continue still to be practiced to ye prejudice of ye same wch abuses must needs arise from ye Insolvency of ye persons who are accepted for security, or from the remisness or conivance of such as have been or are Governors in ye severall Plantations who ought to take care that those persons who give bonds should be duly prosecuted in case of nonperformance. He is to take notice that wee take ye good of our Plantations. and ye Improvem^t^ of ye trade thereof by a strict and punctuall observance of ye severall laws in force concerning ye same to be of so great importance to ye Benefit of England and to ye advancing ye dutys of our Customes here that if wee shall hereafter be informed, that at any time there shall be any failure in ye due observance of those Laws within our Province of Carolina by any willfull fault or neglect on your part, wee shall look upon it as Infraction of those Laws tending to ye forfeiture of our Letters Patent for ye Government of that our said Province.

By his Majesty's Comand
JA. VERNON.

[B. P. R. O. Va. B. T. 7. C. 2. (8.)]

VIRGINIA SS:—

PROCEEDINGS OF THE COUNCILL CONCERNING THE BOUNDS BETWEEN VIRGINIA & NORTH CAROLINA ANNO DOm̄ 1699.

Att a Councill held at James Citty the 24th of February 1698 [-9]

Present

His Excellency

William Bird, John Lightfoot, Edward Hill, Mathew Page, Edmond Jennings } Esqrs

The Honble Col. Robert Quary from the Honble Thomas Harvy Deputy Governour and the Councill of the Province of North Carolina acquaints his Excellency and the Councill that the said Deputy Governour and Councill of North Carolina had received orders from England for surveying & laying out the bounds between this his Maj. Colony and Dominion of Virginia and that Province of North Carolina and that they would in a short time send some of the members of the Councill to this government to be joyned with such persons as should be appoynted here to lay out and settle the said bounds & prayed that his Excellency & the Councill would be pleased to appoint & empower such persons as shall be thought necessary for that service to proceed therein when those gentlemen shall arrive to which his Excellency by the advice of this Board did answer that the setling of the bounds between these two Colonyes is a matter of very great importance and publick concerne & most proper to be done by the advice & consent of a generall Assembly, that a Generall Assembly was to meet at James Citty upon Thursday the 27th day of Aprill next & therefore he desired that those gentlemen from Carolina would be by the 29th of the said month of Aprill and they might then be sufficiently empowered from that governt to lay out and settle the said bounds.

MAY 2d 1699

Present

His Excellency

Richard Lee, Richard Johnson, William Bird, John Lightfoot, Edward Hill, Mathew Page, Edmond Jennings, Benj. Harrison } Esqrs

His Excellency haveing received a letter from the Honble Thomas Harvy Esqr Deputy Govr of North Carolina dated the 16th day of March

1698 wherein he acquainted his Excell^{cy} that he had appointed Daniell Akehurst Esqr & Capt. Henderson Walker members of their Councill to waite upon his Excellency with their charter in order to the setling the bounds between these two governments He was pleased to cõunicate the same to the Councill and also to acquaint them that the said Akehurst & Walker were come to James Citty & desired that they would consider & advise what was necessary to be done in that affair and what method should be observed in treating with those gentlemen whereupon it was agreed and resolved that before any proceedings were entered into with them it was requisite and necessary to enquire how they were impowered to treat and conclude with any such persons as should be appointed by this governm^{t} and particularly that it may be enquired of them whether their Governour was approved by his Maj^{ty} and had taken the oath according to the Act of Parliam^{t} of the seventh and eighth years of the reign of his present Maj^{ty} entituled An Act for preventing frauds and regulating abuses in the Plantation trade & for their better satisfaction tis also thought necessary that his Maj. letters Patents appointing his Excellency Francis Nicholson Esq. his Lieut and Govern^{r} of this his Colony & dominion of Virginia be communicated to them and in order thereunto the Clerk of the Councill is directed to waite upon them and desire them to be at the Councill Chamber this afternoon.

POST MERIDIEM

His Excellency and the Councill being acquainted that according to their desire Mr Akehurst & Capt Walker were in the Hall ready to wait upon them the said Akehurst & Walker were desired to walke up into the Councill chamber whither being come his Excellency laid his Cõmicõn before them that they might be satisfyed he was fully impowered to act under his Maj^{ty} as Lt. & Govr Generall of this his Maj. Colony & dominion of Virginia and desired to know of them how they were impowered to act in the affair they came about, whereupon they produc'd a Cõmicõn under the hand and seale of Thomas Harvey Esqre Deputy Govern^{r} of North Carolina which being read His Excellency caused the Act of the seventh and eighth years of the reign of his present Majesty to be read and desired to know whether the said Deputy Governor was qualified according to that Act to which they answered that he was not approved of by the King as that Act directs then his Excellency desired them to withdraw and he would advise with his Maj^{tys} Honble Councill what was proper to be done and acquaint them therewith and accordingly they withdrew.

Then the Councill entered upon the debate & consideration whether it was convenient to treat any further with those gentlemen from North Carolina and forasmuch as it appears that the Governour by and under whome they are comiconated is not qualifyed according to law the Councill are of opinion that he cannot give sufficient power to any persons to act under him in this affair and to make a finall conclusion and determination thereof and therefore it is not convenient to proceed any further therein at this time but that the Govr of North Carolina be desired to procure sufficient power and instructions from England for settling the bounds between these two Governments as soon as may be and that there may be the less trouble hereafter, when it is to be done if Mr Akehurst and Capt. Walker will agree thereto, It is thought convenient that the Charter of the Proprietors of Carolina be recorded in the Sec$^{ry's}$ office and accordingly the said Akehurst and Walker being called in and acquainted with the proceedings of the Councill herein they consented to the recording their Charter and having told his Excellency they would wait his commands by a letter to their Govern^{r} they withdrew

Ordered that the Clerk of the Councill doe prepare a letter from his Excellency To the Honble Thomas Harvy Deputy Govern^{r} of North Carolina acquainting him with the proceedings of his Excellency and the Councill with the Gentlemen from that government and the reasons they have proceeded upon, And also to signify to him his Excellency's power of making a Judge and other Officers of the Court of Admiralty in that Province, that accordingly they are appointed and if there be any occasion for a Court to be held there that his Excellency should be acquainted therewith in order to his giving such directions therein as are necessary.

A letter from the Honble Thomas Harvy Esq Deputy Governor of North Carolina to his Excellency the Govern^{r} of Virginia

May it please yor Excellency

My honored friend Coll Quary hath given me account of yor Excellency's readiness to concur with us in the setling the bounds between this government and Virginia and also of yor Excellency's offering all offices of kindness and good neighborhood towards us for which I shall at all times be ready to express my thankfullness and to concur with yor Excellency in any thing that may prosecute the same In answer to Yo^{r} Excellency's Order of Councill I have with the advice of the Councill appointed the Honble Daniel Akehurst Esq & Capt. Henderson Walker members of the Councill to waite upon Yo^{r} Excellency with the Charter

at the time proposed by the said Order with full power to setle that affair and am

Yo^{r} Excellency's
Humble Servant
THOMAS HARVY

North Carolina
March the 18th 1698(–9.)
To His Excellency Francis Nicholson Esq.
his Maj. Governor of Virginia

COPY OF THEIR COMISSION.

NORTH CAROLINA—ss.

BY THE HON^{ble} THE DEPUTY GOVERNOR

In pursuance of an Order of Councill bearing date the 16th day of this instant month of March I doe hereby comissionate and appoint you Daniell Akehurst Esqr & Capt. Henderson Walker on behalf of this Governm^{t} to go to James Citty in his Maj. Colony of Virginia to treat conclude and agree with that government concerning the laying out and setling the bounds between this Province of Carolina and his Maj. Colony of Virginia aforesaid according to the charter granted to the Lords Prop^{rs} of Carolina hereby fully authorizing you & impowering you to proceed there by such ways and methods as you shall see convenient Given under my hand and seale the 17th day of March in the eleventh year of the reign of our Soveraigne Lord William the third King of England &c. Annoque D^{ni} 1698(–9.)

THOMAS HARVY

A letter from his Excellency the Governor of Virginia to the Deputy Governour of North Carolina

VIRGINIA JAMES CITTY MAY 3rd 1699

Honble Sir

I received yours to me of the 16th of March last in answer to an Order of myself in Councill dated at James Citty the 24th day of February last transmitted unto you by Coll Quary pursuant also to what you advise in that letter upon the 28th of the last month arrived at this place Mr Akehurst & Capt. Walker the gentlemen appointed by you & the Councill of your Province to agree upon & settle the bounds between His Maj. Colony & Dominion of Virginia & yor said Province of Carolina I shall at all times be very ready to doe anything that is requisite on

my part for the perfecting of a worke which I take to be so very necessary and soe much contributing to the peace & quiet of both these Colonys But at present it is the opinion of myself and His Maj. Honble Councill of State for this his Colony and Dominion of Virginia that I cannot safely Comissionate any persons to treat with the Gentlemen from your Province about this affair We have not any designe of delaying soe good a worke but we are desirous that when it is done it may be effectuall and valid in all time comeing and that we think the Gentlemen appointed by you are not sufficiently qualifyed to doe. Our reason for this opinion is grounded upon an Act of Parliament of the 7th & 8th years of his present Maj^{ty} entitled An Act for preventing frauds and regulating abuses in the Plantation trade which I have given to the gentlemen for your more particular satisfaction herein By this Act it is enacted that all the then present Governors or Comanders in chiefe of any English Colonys or Plantations shall before the 25th day of March 1697 take a solemn oath &c. as in the said Act is more at large directed and by another clause in the said Act it is directed that all Governours nominated & appointed by any persons or propriet^{rs} who shall be entituled to make such nominacon shall be allowed and approved of by his Majesty his heirs & successors signified by his or their Order in Councill and shall take the Oathes enjoyned by this or any other Act to be taken by the Governours or Comanders in Chief in other his Maj. Colonys & Plantacons By this Act you may please to observe it is required that you be approved of by His Maj^{ty} to be signified as is aforementioned and that you likewise take the said Oathes before you can be sufficiently qualifyed to execute the Office of Governour or Comand^{r} in Chiefe of any Propriety And forasmuch as it doth not appeare that you have complyed therewith we are of opinion that it is not convenient with us to treat with any person or persons by you appointed to agree upon and settle this affair between these two Colonyes Therefore all further proceedings therein must for the present be suspended untill you can give an account thereof to those persons for whome you are concerned and shall obtein such approbation & qualifycation as by the Act of Parliament aforementioned is directed and required I on my part shall take care that our proceedings herein may be laid before his Majesty for his further comands thereupon And I hope by the next fall to receive such directions as shall be thought necessary I desire likewise that you on your part will take care to obtaine such qualifycations and Instructions as are requisite for you By the consent of Mr Akehurst and Capt. Walker I have caused the exemplificacon of your Proprietors Charter to be recorded

here, soe that there will not be occasion any more to hazard that upon soe long a journey as to send it hither for our satisfaction therein.

I must further acquaint you that by a Comiçon under the Great Seale of the High Admiralty of England dated the 26th of June in the yeare 1697 directed to Sir Edmond Andros Knt his Maj. Lieut and Govr Generall of Virginia and to his Maj. Lieut. and Govr Generall of Virginia for the time being His Maj. hath been pleased to grant to the said Lieut and Govr Generall of Virginia for the time being power and authority to appoint Judges Registers Marshalls and Advocates for the Admiralty Courts of Virginia, Carolina & the Bahama Islands by virtue of which said Comiçon the said Sir Edmond Andros by severall Comiçons did appoint the Honble Edward Hill Esqre Judge Miles Cary Gen Register, Michael Sherman Gen Marshall and John Taylor Gent. Advocate of the Court of Admiralty in this his Maj. Colony and Dominion of Virginia and the Province of North Carolina and I herewith send you copyes of the said severall Comiçons for your better informaçon therein and I doe recomend the same to your care that when any matters shall happen requireing the presence & service of the said Judge and Officers you will give me tymely intimaçon thereof that I may give such directions as shall be necessary therein which is all at present from

Yor affectd friend and
humble servant
FR. NICHOLSON

For his Majties
speciall service

To the Honble Thomas Harvy Esqre
Deputy Governor of his Maj.
Province of North Carolina

WHITEHALL. July the 3rd 1699

* * * * *

Mr Thornburgh attending as he had been desired and being asked about the present Governor in Carolina, how it comes to pass that he has not his Maj. approbation as required by the Act for preventing Frauds &c He said the present Governor is not so by virtue of any Commission or Deputation from the body of the Lords Proprietors but only by virtue of the Constitution as being a Proprietor himself But that the Lords Proprietors are thinking to depute one ere it be long

[B. P. R. O. Va. B. T. Vol. 8. D. 55.]

N° 45. VIRGINIA

North Carolina July 28th 1699.

May it please Yor Excellency

The continual sickness of the Honble Thomas Harvey Esq late Deputy Governor of which he dyed on the 3rd of this instant letted him from returning yor Excellcy an Answer to yor last Now these are to assure yor Excellency yt ye Councill acknowledges yor Excellcy's Kindness in putting forward ye business of ye bounds between ye Governments and yt we shall not faile to give ye Lords Proprietors a full account of it and of ye state wherein ye business stands And further we crave leave to represent to yor Excellcy a very great hardship that hath been lately put upon an Officer of this Governt in Princess Ann County by one Maclenahan of yt place the ground thereof from the beginning was this. Some years ago ye said Maclenahan came into this governt and commenced suit against one Fullwood and process was issued out and return made but upon what motives we know not he waived his suit here and obtained an attachment from a Magistrate in ye abovesd County and procured ye Under Sherrif to come to Crow Island in this Governmt and attach ye goods and chattels of ye said Fullwood and complaint hereof being made to a Magistrate in this Government ye Deputy Marshall Wm. Bray was commanded to rescue the goods being within the jurisdiction of this Government which he accordingly did and took into custody ye Deputy Sherrif till he gave bond for his appearance &c wch bond was readily discharged upon application made to this Government by Capt. Cork ye high Sherif of Princess Ann County And it was upon this occasion that Sr Edmund Andros raised the dispute about ye bounds of ye Governts which we hope your Excelcy will see happily ended Now ye sd Wm. Bray makes complaint but yt being lately in ye abovesd County he was arrested at ye suit of ye sd Maclenahan for ye rescue he made within ye jurisdiction of this governmt and by command of ye same as afores and was compelled to find surety for his appearance there to answer I therefore with ye advice of ye Council do offer this matter to your Excelcy's consideration hoping yt your Excelcy will grant him relief and not suffer ye Officer to be damnified by doing an Act yt he was lawfully commanded within or Governmt to doe I have nothing further to add not in ye least questioning yor Excelcy's favour herein saving yt all endeavours possible shall be

used to mentain an amicable correspondence between ye two governments by

Yo^r^ Excellency's
most humble and
obedient Servant
HENDERSON WALKER

I am further informed that some of ye Magistrates of Princess Ann County seem to discourse in those parts as if we had no further than a copy of ye Patent and y^t^ it was no confirmac̄on which we believe causes this breach I desire if y^r^ Excel^cy^ pleases to signify to ye s^d^ Magistrates what y^r^ Excel^cy^ hath seen of ye patent y^t^ there may be no further trouble

I cannot but return my acknowledgm^ts^ for y^r^ Excel^cy's^ great favours to me when I was last in yor government and am heartily glad to hear y^t^ yor Excel^cy's^ noble designs for ye good of y^t^ Country go on so successfully for I am well satisfyed in my own thoughts that Virginia in after ages will be bound to return thanks to ye Allmighty for those generous designs of wch you have been ye only promoter

If any thing in these parts may be serviceable be pleased to lay yor com̄ands wch shall be assuredly obeyed by

HENDERSON WALKER.

May it please yor Excellency

Bray being arrested at the suit of Maclenahan for a rescue committed in Crow Island pretended to be in ye govern^t^ of North Carolina but alleged by ye said Maclenahan to be in the governm^t^ of his Maj. Colony and Dominion of Virginia and ye difference appearing to arise from ye unsettlement of ye bounds between the two Governments I am of opinion y^t^ ye defendant Bray may plead ye special matter either to ye jurisdiction of ye Court or in justification upon which ye triall of ye cause ought to be deferred till ye bounds between ye two governm^ts^ are better settled & Known

BARTH. FOWLER, Att^y^ Genl

James Town
August 17th 1699

NORFOLK TOWN. Augt 22nd 1699

This letter and report is referred to the Worshipfull his Majesties Justices of Princess Ann County who at ye next County Court are to make a report of ye whole matter to

Memorandum That the charter which Daniel Akehurst and Henderson Walker Esqr produced to me and his Maj. Honble Council was an exemplification of ye Charter granted by King Charles 2nd which appeared and is taken by us to be an authentick one

It is upon record in ye Secretary's Office in James City where any persons that have a mind may either see or have a copy thereof without any further order from

Honble Sir,

His Excellency being at present very much indisposed with a feaver has commanded me to acquaint you y^{t} he has received yor letter dated at North Carolina 28th July 1699 ℔ Mr Feudal and has taken care to doe what in him properly lies in order to redress the grievance complained of by your Goverment in relac̄on to ye difference between Maclenahan and Bray. He referred ye matter to me as Atturney Gen^{ll} to which I made a Report according to ye inclosed Copy And since y^{t} his Excellency has not only caused a copy of yor letter and my Report to be referred to ye Court of Princess Anne County but has certified to y^{m} y^{t} ye Charter you produced to Him & his Maj^{tys} Honble Councill was in their opinion an authentick exemplification of ye Charter Grant in James City where any person may have a copy thereof without any further Order so y^{t} it must be Bray's own laches if any thing is done to his disadvantage or to ye prejudice of yor Goverment therein. His Excellency has heard nothing of Mad^{e} Smith and Negros supposed to be run away & harboured in yor Governm^{t} which he expected he should before this and has allso commanded me to acquaint you that several servants and slaves are daily running from hence into your Governm^{t} and are there concealed wch he hopes you will take care to prevent by a proclamac̄on to y^{t} purpose or such other method as you shall judge most expedient. He allso returns you thanks for yor good opinion of him & assures you that nothing on his part shall be wanting to mentain the good correspondence you desire Here's no news &c.

Yo^{r} Hon^{rs} most humble Servant

BARTH. FOWLER

VIRGINIA AUGUST 27th 1699.

Copy of a letter to ye Deputy Govern^{r} of North Carolina

May it please Yo^{r} Excellency.

I received from Mr Fowler acc^{t} of yor Excellency's care in Bray's business and return you our hearty thanks And as to what Mr Fowler

intimates concerning runaways however the matter may have been misrepresented to yor Excellency I assure you y^{t} neither our laws nor practise deserves such an imputation of evil neighbourhood neither are there any runaways harbored here y^{t} we can discover upon diligent enquiry nor shall any such thing be suffered so far as it is in our power to prevent it We have (besides statutes against Vagrants) a particular law y^{t} injoyns all persons on a penalty to apprehend runaway Negros and prohibits ye harboring of them on ye penalty of ten shillings every night over & above all damage y^{t} can be proved & I purpose to recommend it to ye next Assembly if any thing may be done more effectually to prevent such a mischief Not long ago information was made to me & ye Council that one Grand at ye Sand-banks had entertained some persons suspected to be runaways from Esqr Corbin for which he now stands bound over to ye next Generall Court I myself at my own charge sent as far as Pamplico after those runaways and since here advice y^{t} some of y^{m} died by famine in ye uninhabited part of this Government And I believe many other y^{t} fly this way are lost after ye same or such like manner endeavoring to escape to S. Carolina. I thankfully accept of yor Excel^{cys} papers of public news by Col. Quary and assure yor Excel^{cy} y^{t} we desire nothing more than to mentaine a right understanding between these Governm^{ts} And it shall always be the care of Yo^{r} Excellency's

most humble Servant

HENDERSON WALKER

October ye 10th 1699.

I heartily congratulate yor Excel^{es} recovery and if your Excel^{cy} hath occasion for timber or any thing else that may be serviceable to you please to command your humble servant H. W.

VIRGINIA JAMES CITY 9^{ber} 8th 1699

Honble S^{r}

I received of Oct. 10th by the Honble Col. Robt. Quarry and inclosed is a copy of the Report of his Maj. Justices of Princess Anne County If you suspect y^{t} there should be a suspension of ye prosecution of y^{t} affair his Maj. Honble Council and myself are of opinion y^{t} Wm. Bray ought to give good & sufficient security to answer Mackleuahan's suit in case y^{t} Crow Island be found within this his Maj. Colony and Dominion of Virginia.

I have written to ye Rt. Honble his Majesty's Secretary of State and to the Lords of the Council for Trade & Plantations about the Bounds as I promised you when I was here and I am in hopes some time this winter that I shall receive his Maj. royall commands concerning y^{t} affair

I suppose that you have written to ye Lords Proprietors about it and particularly about ye Govern^rs^ being qualifyed according to the Act of Parliament ab^t^ trade &c of the 7th & 8th of his Maj. Reign.

I am very glad to here that you have statutes against Vagrants and a particular law about Negros but you must give me leave to say that unless they be vigorously put in execution I fear they will not signify much I am sorry not to hear any thing of the Negros that ran away from Madam Smith a copy of whose letter and the description you were so kind as to take from me in ord^r^ to inquire after y^m^ I showed Esqr Corbin that part of your letter to me concerning his servants and I told him to write to you which I here he did and returned you thanks &c. If such fellows as Grandee be but made examples I suppose it will be one of the properest ways to prevent ye like clandestine dealings of the future.

I herewith send you a Proclamac̃on for ye apprehending of Pyrats &c. which I have caused to be published in all ye Countyes of this his Maj. Colony of Virginia I believe it may be for his Maj. service and if you please to issue out one in your Government for the apprehending & securing of these pyrats or any others And inclosed is the copy of a letter which I had from his Grace the Duke of Shrewsbury who was then his Maj. Principal Secretary of State about Pyrats &c. as also of one from the right Honble Mr Secretary Vernon.

That Great Rogue Kidd I heare is in Boston Jail. Col Edward Hill one of his Maj. Honble Council here is appointed by the right Honble the Lords of ye Admiralty to be Judge of ye Adm^ty^ both for Virginia and North Carolina. He will write to you by this opportunity about that affair.

This is designed (God willing) by one Mr Joseph Harwood who is put by Co^ll^ Edm^d^ Jennings one of his Maj. Honble Councill here to look after one David Ross a Carpenter lately run away from him as also one Thomas Roberts a Welchman &c. who ran away from the Revd Mr John Bernard a Clerk &c.

Therefore I desire that you would be pleased to order all lawfull assistance to be given to him for the apprehending securing & bringing back hither ye said runaways in doing of which you will oblige him who is Your very humble Servt

FR. NICHOLSON.

I am very sorry to hear that those Indians which murdered ye people & stole ye goods are like to come off without being brought to condigne punishment and y^t^ it may not be an ill president to ye Indians in these parts and incourage y^m^ to do the like is ye hearty wishes of

F. N.

PRINCESS ANN COUNTY

At a Meeting of ye Justices 12th Octr 1699.

Present

Col Anthony Lawson. Mr Henry Woodhouse
Mr Benj. Burrough. Mr Robt. Thorowgood

His Excellency having required that this Court should make a Report to him of ye matter in difference & depending in this Court between Nathaniel Maclenahan Plaintif and William Bray Defend^t^ which coming to tryal at a Court held for this County ye 7th Sept. last when having received the letter from North Carolina to his Excel^cy^ sent to us with his Excel^cys^ command this Court did order ye s^d^ difference to be referred to ye next Court to be held for this County & make report as followeth viz: that we find y^t^ the island named Crow Island (where ye rescue of the goods attached for ye s^d^ Maclenahan was made by ye Defendant Bray) is included in a patent of land granted to Mr Patrick White in this Government dated 20th April 1682 and hath ever since been accounted & held in this County and for which hath been paid Quit rents to the Collectors of this County, allso an Owner thereof who bought ye same of ye said White was arrested by an Under Sherrif of Lower Norfolk County named Thos. Hall who submitted & gave security to ye said Officer as he hath this day informed us.

Test. PA. ANGUS Clar.

NORTH CAROLINA Novr 18th 1699.

May it please your Excel^cy^

I received your Excel^cy's^ by Mr Harwood and for what relates to Bray's case shall give notice to your Excel^cy^ & ye hon^ble^ Council's opinion to him that he may comply therewith I return your Excel^cy^ our hearty thanks for your care in endeavouring to obtein his Maj. royall commands concerning ye bounds of this Province and I assure yor Excel^cy^ that we have not been wanting in our endeavours to procure both direction and all necessary authority for proceeding in that affair.

I hope yor Excel^cy^ (notwithstanding any misrepresentation that hath been heretofore made) is of opinion that it is not our purpose to countenance ye harbouring of runaways but to punish it with ye utmost severity and I crave leave to intimate to you that there must needs have been as great neglect amongst the people in Virginia as ever hath been here otherwise such runaways could not pass so far, for we observe that there are few or none that are taken here or supposed to pass by but what travel much further through ye inhabitants of Virginia than the whole extent of this Govern^t^ comes to, for instance this which Mr Harwood carries out

hath travelled on the high road from beyond Rappahannock and passed all the publick Ferrys allthough Virginia much thicker peopled. I dont add this as a pretence for our negligence but to ye end ye inhabitants of Virginia may be more carefull that both may joyn to prevent such a mischief.

It was wholly my forgetfullness that I did not before acquaint yor Excel^cy^ y^t^ I have made as strict an inquiry as possible concerning Madame Smith's Negros & doe assure yor Excel^cy^ that they are not in this Governm^t^ nor any other that can be suspected to be run away except one of Esqr Corbin's servants who lieth here sick and reports that three of his companions are dead to the Southward and one Negro more in the Marshall's custody who was imported hither in a sloope He has been in England and pretends that he there served the Earl of Craven and that he came to New England a Freeman we have sent to the Northern Government from whence he came but as yet have not heard from his Master.

Concerning ye Indians its very true that such report was made to us y^t^ we all generally did believe that those unhappy people were destroyed by y^m^ And I with ye advice of the Assembly sent the Honble Daniel Akehurst Esq. to inquire of the truth thereof and with him Capt. Thos. Blount who was a very great sharer in that loss and was as strongly perswaded as any man that the people in ye Canoe were indeed murdered and himself and family was in as great danger as any in the Governm^t^ And upon their return they made report to me and ye Councill that all ye Indians that could be suspected freely upon ye first summons surrendered themselves and gave so particular account of ye matter and with so many concurring circumstances y^t^ by all the inquiry y^t^ they could make they could see no cause to fix it upon any of them for ye evidences who at a distance seemed strong when they came face to face with ye Indians could say nothing against them so y^t^ they returned fully satisfyed y^t^ y^t^ canoe was lost by extremity of wind and sea which we all know was very violent at that time and so continued for several days together.

I with the advice of ye Council here followed your Excel^cys^ good example in publishing a Proclamacon for apprehending of ye pyrates if they should come into this Government and we hold ourselves very much obliged to you for communicating to us those papers concerning the Scotts settlement and shall at any time be glad to be informed of his Maj. pleasure by Yo^r^ Excel^cy^ y^t^ we may render obedience thereto as becometh good and dutifull subjects and am

Yo^r^ Excellency's most humble Servant

HENDERSON WALKER

VIRGINIA JAMES TOWN May 16th 1700

Honble Sir

I herewith send you a copy of what I lately received from Capt. Wm Passenger Commander of her Maj. ship ye Shoreham concerning the taking of a pyrate ship &c. three of the pyrates were tryed and condemn'd and were order'd to be hang'd in Princess Ann County but they have made their escape and I have issued out my Warrant for ye apprehending of ym one of which is sent to each County in this his Maj. Colony and Dominion and I have ordered the Sherifs of Princess Ann Norfolk and Nansemun to send each of ym one the next Magistrate in yor Govern^{t} I desire that you would give orders for ye apprehending of these pyrats and I do hereby promise the same reward to any person or persons who shall take them in your governm^{t} as if they should be taken here.

I have received his Maj. royall commands about pyrates and being you write that you & your Council are obliged to me for comunicating of ym to you and y^{t} you shonld at any time be glad to be informed his Maj. pleasure by me y^{t} you may render obedience thereto as becomes good and dutiful subjects I doe therefore herewith send you a copy of his Maj. royall letter to me upon that subject with a copy of my proclamation thereupon as also the copy of part of a letter which I have recd from ye right honble the Lords Commissrs for trade & plantations with a copy of my proclamacon thereupon But I herewith send you ye copy of a paper which I recd from his Excellency the Earl of Bellomont his Maj. Govr of New England N. Yorke &c. in which paper are ye names of several persons who are mentioned in ye paper sent by ye Lords Commissrs &c.

I have also received their Excelcys the Lords Justices commands concerning ye Officers of ye Admiralty and Customs and inclosed is a copy thereof sent you by him who is

Your very humble Servant

FR. NICHOLSON

I have thought it absolutely necessary for his Majties service to issue out a proclamacon for apprehending seamen &c. suspected of pyracy &c and inclosed is a copy thereof, as also another concerning cables anchors boats &c Flotsom, jetsom lagon &c. which I would desire that you would give the people in your Goverm^{t} notice of that they may not presume to meddle with or take any such thing within this his Maj Colony and Dominion of Virginia And I hope you will give suitable directions &c. for apprehending seamen suspected of pyracy &c.

If you have any packets letters &c. to send to England the Fleet is designed to sail thither from Kikotan at the mouth of James River on Wednesday the 5th of June and his Maj ship the Shoreham is to convoy ym 40 or 50 leagues off on board of whom is designed, God Willing to be

F. N.

[B. P. R. O. B. T. Proprieties. Vol. 4. D. 22.]

AN ABSTRACT OF THE TITLE OF DANIEL COXE THE PRESENT PROPRIETARY UNTO Ye PROVINCE OF CAROLINA ALIAS FLORIDA IN NORTH AMERICA.

A Patent was granted by King Charles ye First on ye 30th of October in ye Fifth yeare of his Reign unto Sr Robert Heath his Attorney General of a Country in Nôrth America lying and being between the 30th & 36th degrees of Latitude inclusive extending from the North or Atlantick Ocean unto the Sonth or Pacifick Sea and all and every part thereof not being then actually in the possession of any Christian Prince or State.

Sir Robert Heath made a conveyance of ye premisses unto the Lord Maltravers son and heir of the Earl of Arundell and Surrey Earl Marshall of England ye 2d of December in the 13th year of King Charles ye First.

The said Province was sold & conveyed to Sr James Hayes by Henry Duke of Norfolk Earl Marshall of England ye 17th of June in ye 30th yeare of ye Reign of King Charles ye 2nd 1678.

A conveyance of the said Province was made by Lease & Release from Henry Duke of Norfolk Earl Marshall of England & Sir James Hayes Knight unto Sr James Shaen Knight & Baronett the 25th & 26th of July in ye 34th of the reign of King Charles the Second.

Lastly a conveyance was made by Lease & Release from Sr Arthur Shaen Baronett son & heir of Sr James Shaen Knight & Barronett of the Premisses unto Daniel Coxe the present Proprietary. Dated ye 24th & 25th of June in the year of our Lord 1696 being the Eighth year of the Reign of our Sovereign Lord William the Third.

[B. P. R. O. North Carolina. B. T. Vol. 4. p. 81.]

London Dec^{ber} ye 20—1699

Gentlemen

The Reverend Doctor Bray a learned pious & Charitable man, coming into America Suffragan & Comissary to ye Bishop of London yor Diocesan & designing to give you a visit Wee thought fit to let you know it & desire you to treat him with all kindness & respect & place ye charge to ye publique acc^{o} Among other good offices he will be able to mediate in any difference that may be betweene Virginia & us concerning w^{ch} & your other affayrs you are like suddenly to heare from us at large

We are

Gentlemen

Your very affectionate

friends

BATHE Palatine

CRAVEN

BATHE for LORD CARTERET

M ASHLEY.

Wm THORBURGH for S^{r}

JOHN COLLETON

THO AMY

Wm THORNBURGH

To Tho: Harvey Esqr
Deputy Governour &
to our Deputys & Councell of North Carolina.

[Records of Perquimans Precinct Court.]

January 1699.

At a Court Holden At the Hous of Mr James Oates The Secont Monday Janeuary 1698–9 for The p^{r}cinct of Piquemons

Present Mr Calleb Calleway Ca^{t} Ralph ffletcher Mr John Whed Mr Samuel Nicholson

Mr Daniel Akehurst vars Stephen Manwaren

In Plea of debt ye sd Manwaring by his Aturney Collom fflyn Confesed Judgment ordered that Stephen Manwaren pay to Daniel Ake-

hurst eigh pound one Shilling And one penney In poork With Cost Ales Exce.

The Hon THOMAS HARVEY vars WILLIAM BARROW Executor of JOHN BENTLY desesed

In a plea of ye Case ye Corte referd It to ye Jure ye Jure on thare Oath Say they find for ye plaintef fower pound fifteen Shilling In poork ordered that William Barrow pay to ye Ho^l^ Thomas Harvey fower pound fiften Shillings In poork With Cost.

Upon a peticon of Mager Samuel Swann Shewen that Beniamen Gidden Is Indebted to him two pound eigh Shillings and eigh pence Halfe penney and he haven obtained an attachment against ye Estate of ye sd Gidden and noe Repleve apeares and two Hoggs and a parsel of corn being atached at his Sute ordered that ye Marshal deliver ye two Hoggs and Soe Much Sheld Corn At twenty pence ℔ bnshel as Will pay ye sd debt With Cost and trobel of Shellen and to deliver ye Same At Burroses Landen

Mr James Long Proved A Letter of Atturney of James Hogg ffirneful Green Thomas Piears and each of them theire Wifes by Thomas Long and William Keeter

Mr James Long Aturney to James Hogg and ffirneful Green and Thomas Piears and each of theire Wife acknowledg A deed of Sale for A tracte of Land In yoapim up ye Indien Creek to William Long

Capt HENDERSON WALKER Excetor to ALEXSAN LILLINGTON vars JAMES OATS

In a plea of debt ye sd Oats confesed Judgment ordered that James Oats pay to Henderson Walker thirty two Shillings and fower pence halfe penney In poork With Cost Ales Exce

Mager SAMUEL SWANN vars RICHARD BACHELDER

In a plea of debt ye sd Bachelder Confesed Judgment ordered that Richard Bachelder pay to Mager Samnel Swann two Hundred and fifty pounds of poork With Cost Ales Excec

The Court Is AJoyrnd till to Morro Morning Nine of ye Clock The Court Meet

Upon A peticon of James Oats Shewen That Beniamen Gidden Is Indebted to him ffive pound Seventen Shillings And three pence And he Haven obtained An Atachm Against ye Estate of ye Said Gidden And No Repleve Apears And three Sheep one two yeare ould Hefer on gun And A pasel of Wodden Lumber Atached At his Sute ordered that ye Shrife Apraise ye Estate According to Law And pay to James Oats

five pound Seventeue Shilling And three pence With Cost And ye overplush If any be to Return to ye Said Gidden John Stepney And Peter Jones being opinted Apraisers

Jonathan Taylor And William Taylor Orfens Being Left destressed ordered that they be bound to William Long And Sarah His Wife Till they Come of Age

Thomas Tailer Orfen Being Left destresed ordered that he be bound to John Lawrence And Hannah his Wife till he Comes of age

Mare Tayler Orfen being Left destressed ordered that Shee be bound to Mr Caleb Calleway And Elisabeth his Wife till Shee Comes of Age

Thomas Hallom Orfen being Left destresed ordered that he be bound to ffrancis ffoster And Hannah his Wife till he Comes of Age

Upon A peticon of James ffewox Shewen that Was two dayes Comen to Court And on day Atenden two dayes going Home being Sepened by George deare ordered that George Dear pay to James ffewox Nine Shillings And two pennce With Cost

THOMAS NORCOM vars GEORG MATHES

In A plea of debt ye Sd Mathes Not Apearen ordered y^t^ ye Marshall Bring ye Sd Mathes to ye Next Cort

CHRISTOPHER BUTLER vars JAMES FFISHER

In a plea of defamacon thar being a folt in ye declaration ordered that he be Nonsuted & pay Cost

CALEB CALLAWAY
RALPH FFLETCHER
SAMUEL NICKOLSON

N. CAROLINA—ss.

At a Councel Holden ye first day of December Anno D 1698

Ord That upon Any Action or Sute brought Before Any Court In this Governm^t^ Wharein the Plaintife Shall be Nonsute or verdt be found for the defend^t^ In Such Case ye Plaintif Shall Pay to ye defend^t^ five Shills over And Above his Cost And shall be berred All further Sute In That Case till ye Said Sum be Satisfied.

Ver Cop W. GLOVER Cl Cour

APRIL 1699

At A Court Holden for ye Precinct of Piquemons At ye House of Mr James Oats ye Secont Tuesday In Aprill 1699

p^r^sent Mr Caleb Caleway Jndg
Capt Ralfe ffletcher
Mr John Barrow
Mr John Whedby
Mr Samuell Nicholson
Mr Isack Willsons

Samuel Charles And Elizabeth his Wife Acknowledg A deed of Sale for Land to Gabrill Newby At ye head of Piquemons.

James Coles And Mary his Wife Acknowledg An Asignement of A pattent for a tract of Land Lying In Piquemons River unto John Stepney

Georg Deare And Elisabeth his Wife Acknowledg Asignement of A pattent to Richard Devenport for Batsos gra

Anthony Hasket and Tobytha his Wife Acknowledg A deed of Sale for Land Lying In ye Narroes of Piquemons unto Judey Henbey

ordered that William Lacy Juner be Constable from Mr Whedbes Crick Round to Castletons Crick

Mr Richard Plato Proved A letter of Aturney of John Tuker Exceceter of Joseph Comander by ye oathes of John Raper William Simson

Mr Richard Plato vars Stephen Manwaren by an Atach for his ffees of fifty Shillings And Christefer Butler Atturney to ye Sd Manwaren Joynes Ishu ye Court Refered It to ye Jury ye Jury on thare othes Say thay find for ye Plaintef fifty Shillings With Cost

ordered that Christefer Butler pay to Mr Plato fifty Shillings With Cost Ales Exce^r^ Against Stephen Manwaren Estate

John Tuck And James Tuck Excecetors of Joseph Comander vars Stephen Manwaren by Attachment for ffives doe by his Asumtion for John Warren to ye Clarke And Shrife ordered that Christefer Butler pay to John Tuke three pound two Shillings & fower pene With Cost Ales Exce^r^ Against Manwaren Estat

John Watts Proved Writs for three ℔sons transported Into this Country Whoeses Names ar under Wretten John Watts Sener John Watts Juner Catterin Watts

Ordered that James Coles be overser of ye High Wayes from Caselton Crick Brige to ye yonsal

ordered y^t^ James ffugeet be Cunstabel for ye Sound Side and up piquemons River

ordered that Alecksander Spence be overseer of ye High Wayes from Suting Creek to J. P.

Upon a peticon of Christefer Butler Shewen that he atended ye Court one ye account of Thomas Norcom and evedence vars Steward one day ordered y^t^ Thomas Norcom pay to Christefer butler two Shillings & Sixe pence With Cost

Upon A Peticon of Janes Stevens Shewen that Shee Attended ye Court one day an evedence for Thomas Norcom Against Steward ordered that Thomas Norcom pay to Jeane Stevens two Shillings and Sixe pence With Cost

ordered that Thomas Long and Thomas Norcom be Apraisers of Johnathun Tayler Estate and Mr John Barrow Sware ye Apraisers

ordered that Joseph Suting Sener be overseer of ye High Wayes from Suting Crick to ye yonsall place In Littel River

ordered that John Claper be Constabel for ye North Side of Piquemons River.

CALEB CALLAWAY
RALPH FFLETCHER
JOHN BARROW
SAMUEL NICKOLSON

JULY 1699.

At a Court Holden for ye Precinct of Pequemons At ye Hous of Mr James Oats ye Secont Tuesday In July 1699

Prsent Cat Ralph ffletcher
Mr John Barrow
Mr John Whedby
Mr Samuel Nicholson
Mr Isack Willson

John Stepney and Marcy his Wife Acknowled a deed for three Hundred Acres of Land In Piquemons to James Coles River.

Upon a complaint of Mager Samuel Swann that Jonathun Tailer Stands Indebted thirty three Shillings and fower peence for a sirvay ordered that Mr Calleway pay to Mager Swann thirty three Shillings and fower peence With Cost

ordered yt John Parish be overser of ye High Wayes from ye fferry to Mr Whedbys path

RALPH FFLETCHER JOHN WHEDBE
JOHN BARROW SAMUEL NICKOLSON
ISAAC WILLSON

Oct 1699

At A Court Holden for the prcinct of Piquemons At ye House of James Oats ye Secont tusday In october 1699

PrSent Capt Ralph ffletcher Mr John Barrow Samuel Nicholson Mr Isack Willson

The Court AJoyrnd till to Morro Eigh of ye Clock

ye Court Met

Samuel West Proved A Letter of Aturney of Richard Adkinsones by Samuel Nicholson And Samuel Charles.

Upon A referance Left to ye Court between James Oats And daniel Snookes Concarnen Clarks ffees and Shrifes ffees ye debt being paid ordered that daniel Snook pay ye fformer Charge And James Oats pay ye Charge of ye Arest

CHRISTEFER BUTLER vars JAMES FFISHER

In a plea of debt ye Sd ffisher Not Apearing ordered that ye Marshall bring ye Sd ffisher to ye Next Court to Answer ye Sute of Christefer Butler

CHRISTEFER BUTLER vars JAMES FFISHER

In A plea of defamation ye Sd ffisher Not Apearen ordered that ye Marshall bring ye Sd ffisher to ye next Court to answer ye sd Sute of Christefer Butler.

William Hall Acknowledg A dede of Sale for all ye Estate of An Peterson desesed to James Coles.

Ordered that James Perisho be overser of ye High Wayes from ye pine Marked With J. P. to ye grate brig over ye Head of ye River

Ordered that Thomas Long be overseer of ye High Wayes from ye Chowan brige to James Oats

Ordered that John Barrow Juner be overseer of ye High Wayes from Edward Willson And ye heade of James Coles.

RALPH FFLETCHER SAMUEL NICKOLSON
JOHN BARROW ISAAC WILLSON

1700.

[B. P. R. O. B. T. VIRGINIA. VOL. 37. P. 368. EXTRACT.]

LORDS OF TRADE TO GOV^r^ NICHOLSON 4 JANUARY 1699–1700.

For the Honble Francis Nicholson Esqre His Majesty's Lieutenant and Governor General of His Maj^ty's^ Colony & Dominion of Virginia in America or for ye Lieut. Govr or Comand^r^ in chief of ye said Colony for the time being.

S^r^

We received some time past your letter of the 1st of July together with the papers therein mentioned and refer'd to.

* * * * * * * *

We have considered all you write and the papers you refer to, relating to the fixing of the boundaries between Virginia and North Carolina and are satisfied with your proceedings therein What remaines to be done by you in the meanwhile until Comiss^{rs} from Carolina duly qualifyed be appointed to treat about that matter is That you take care that those who have settled any lands in those confines upon Virginia Patents be protected against the people of Carolina and that you assert his Maj. right against their encroachments and suffer no innovation therein until those Boundaries come to be finally settled & determined.

* * * * * * * *

(Signed) STAMFORD. LEXINGTON
PH. MEADOWS. WM. BLATHWAYT
JNO. POLLEXFEN. ABR HILL

Whitehall.
January 4th 1699–1700.

[B. P. R. O. B. T. Proprieties. Vol. 26. p. 149.]

To our Right Trusty and Right Wellbeloved, our Right Trusty & Wellbeloved and our Trusty & Wellbeloved the Lords Proprietors of our Province of Carolina in America.

William R.

Right Trusty and Right Wellbeloved, Right Trusty and Wellbeloved, and Trusty and Wellbeloved, Wee greet you well. Whereas we have been informed that several Pirates have been lately seized in our Plantations in America, and it being necessary that due care be taken for bringing them and all others that may in like manner be seized hereafter to condign punishment, we do hereby stricktly charge & require that you cause to be sent hither in safe custody all Pirates who are or shall be seized in our Province of Carolina whereof you are Proprietaries, at the time of your receiving this direction, and that you cause also to be sent hither the Witnesses and other evidences upon which the said Pirates have been seized & which may be of any use towards their conviction here that so they may be tryed and punished according to Law, and in the meanwhile to take care that the goods and effects of the said Pirates be secured, so that they may hereafter be disposed of as shall by law be determined.

Which method of sending Pirates hither, together with the Evidences produced against them, and securing their Effects you are upon pain of our Displeasure in like manner to observe from time to time as a standing Rule, with regard to all other Pirates that shall at any time hereafter be seized in our said Province of Carolina. So we bid you heartily farewell.

Given at our Court at Kensington the 10th day of February 1699 in the eleventh year of our Reign

By his Majesty's Command

JERSEY

Mem^dm his Majesty signed this
Letter the 10th of Feb^ry 1699–1700.

[B. P. R. O. B. T. Proprieties. No. 27. p. 4.]

Articles of High Crimes and Misdemeanors charged upon the Governors in the severall Proprieties on the continent of America and Islands adjacent

* * * * * * * *

North Carolina. They have no settled Government among them, about 4 yeares agoe, the swift Frigat being drove out of Virginia by storm and coming a shore upon the sands in that Province, the Inhabitants Robb'd her and fired great Gu^ns into her and disabled her from getting off, the chief Offender was banished, only tis a place which receives Pirates, Runaways, and Illegal Traders. * * * * *

Humbly offered by
ED: RANDOLPH.

March 24th 1700

[B. P. R. O. B. T. Virginia. Vol. 9. E. 2.—Extract.]

GOV^r NICHOLSON TO LDS. OF TRADE 1 AUGUST 1700

To the Rt Honble the Lords Commiss^rs for Trade and Plantations.
May it please your Lordships.

* * * * * * * *

With submission I think that his Majesty's Governors cannot entirely concert affairs with any Proprietory's Governors or with their Deputies

or with a Charter Governor because his Maj. interest and theirs are different in most respects for they they may be compared to the Pope's who from the first time that the Emperor's gave them temporal power have by several unjust ways and means got more and endeavor to do so still I am of opinion that his Maj interest and service in general and of my dear Mother Country old English in particular can never be rightly managed till the rest of the Proprietary and Charter Governments be as New England and Maryland And if the Proprietor's Governours or their Deputies or Charter Governours and other officers in those Governments be not obliged to comply with the acts of Parliament for taking the Oaths &c. they will continue to have a mighty advantage of his Majesty's Governments

Your Lordships most obedient & faithful humble Servant
FRANCIS NICHOLSON

Virginia James Town
August 1st 1700.

[B. P. R. O. B. T. VIRGINIA. VOL. 9. E. 26.]

[Indorsed.]
No. 10. Virginia.
LETTER FROM THE DEPY GOVR OF N. CAROLINA TO COL NICHOLSON ABT DR. COXE'S PATENTS REFERR'D TO IN COL. NICHOLSON'S LRE OF THE 27th AUG. 1700.
RECd 19th OCT. READ
22 OCTr 1700.

NORTH CAROLINA August 12th 1700.

May it please Yor Excy

We have lately heard that Col. Inglesby is comeing in here our Govr Since which we have had advice from Mr Perry who gives accot that himself & Col. Ludwell waited upon one Dr. Cox who showed them a patent granted by King Charles the First to the D. of Norfolk inrol'd in Chancery now confirmed including from the south branch of Nansemond to 35 degrees and two degrees Westerly which takes in our Province and that there was a Patent for a great part of the land called Norfolk granted from Govr Harvey in 31 to a son of the D. of Norfolk that the said Dr. Cox had some dispute with the Proprietors of which if yor

Exc^{y} hath any advice be pleased to hono^{r} me with it by the Bearer. The Honble Coll Quarry hath been very sick here but is now upon recovery If any thing in these parts may be serviceable to yor Exc^{y} please to signify it to

Yo^{r} Exc$^{y's}$ most humble Servant

HENDER. WALKER.

The said Mr Perry tells us that by reason of the said patent supposes it will be under your Exc^{ys} Government of Virginia (which if soe will be aboundant satisfaction to myselfe) and that his Majesty had paid the passages of a great many French Protestants who were to be settled by Dr. Cox in Pamplicoe. H. W.

James Citty August 27th 1700.

[B. P. R. O. B. T. Virginia. Vol. 9. E. 16.—Extract.]

GOV^{r} NICHOLSON TO LORDS OF TRADE 27th AUGUST 1700.

Virginia James City Augt 27th 1700

May it please your Lordships,

* * * *

N° 10 is the copy of a letter from Mr Henderson Walker Deputy Governour of North Carolina by which your Lordships may please to see what reports there are about Dr. Cox and his Patents I had some acquaintance with him and I believe he is an honest Gentleman and a very good Doctor but by what he told me concerning his ill success of his Jersey Proprietorship I thought he had done with all such projects but I am afraid several people have abused the Doctor's good nature and generosity by telling him of strange countries and giving him Mapps thereof. The Marquis dela Muce and Monsieur de Sailly told me how they came to be engaged with him and what ill success they had. I wish that the Doctor would come into these parts of the world and run out the bound of his Countries and then I suppose he would have so much of the Continent of America that he would not care to come again I suppose there is some mistake about those two patents for I think there was no such person as a Duke of Norfolk in Charles the First's time and I have ordered our records to be searched and have done so myself

(but I formerly found and do so now that the old Records are not very perfect) but can find no such Patent granted by Governor Harvey in 1631. Now I humbly propose to your Lordships that some final end may be made concerning these Patents for our inhabitants who border upon North Carolina hearing such Reports makes them very uneasy for I think nobody who could help it would willingly quit being his Maj. Tenant to be that of a Proprietors and the bounds being at present uncertain betwixt us and North Carolina people do not much care to take up land upon an uncertainty for fear least they should fall under a proprietorship but I beg leave to assure your Lordships that I will not be wanting in my duty to his Majesty both in protecting our inhabitants and asserting his Majesty's right to the lands &c.

* * *

Your Lordships obliged
aud obedient humble Servant
FRANCIS NICHOLSON

[B. P. R. O. B. T. PROPRIETIES. No: 26. P. 331.]

A LIST OF THE GOVERNORS AND DEP^{ty} GOVERNORS IN THE SEVERALL PROP^{r}TIES WHO ARE NOT ALLOWED OF BY HIS MAJESTIES ORDER IN COUNCILL, AS IS ENACTED BY THE ACT FOR PREVENTING FRAUDS AND REGULATING ABUSES IN THE PLANTATION TRADE MADE IN THE 7th AND 8th YEARES OF HIS PRESENT MAJESTIES REIGN.

Samuel Cranston Governor of the Colony of Rhode Island he refused to administer the Oath to Coll: Peleg: Sandford Judge of the Court of Admiralty as Judge intending thereby to incapacitate him from acting as Judge.

Collonell John Fitz Winthrop Governor of Connecticut.

Collonell Andrew Hamilton Governor of East and West Jersyes.

Mr Markham late Lieutenant Govern^{r} of Pensylvania.

Henderson Walker Governor of North Carolina, Chosen by the Councill only in ye room of Thomas Harvey deceased

Joseph Blake Proprietor and Govern^{r} of South Carolina

Read Elding Deputy Governor by Deputation from Collonell Webb the late Governor of Providence.

Whether the Governors in the Proprieties, not being first approved of by his Majesties order in Councill before they enter upon their respective Governments are qualified to put in execution the Acts of Trade or have a right to receive the benefit of forfeiture arising upon the breach of any of the said Acts.

Whether M[r] Penn the present Proprietor and Governor of the Province of Pensylvania be qualified not being first approved of by his Majesties Order in Councill, as by the aforesaid Act is directed.

[Records of Perquimans Precinct Court.]

January 1700.

At a Court Holden for the p[r]cinct of Piquemons at y[e] House of M[r] James Oats the Secont Tuesday Janewary $169\frac{9}{10}$

P[r]sent Cap[t] ffletcher Judge
M[r] John Barrow
M[r] Samuel Nicholson
M[r] ffrancis ffoster

Edward Homes and Elizabeth his Wife Ackno a Convaenc for two Hundred Acres of Land to John Lilly

Upon A petion of M[r] James Coles according to Ackt of Asembly for y[e] building of A Mill At the Head of y[e] Indien Crick ordered That James Coles May Have Liberty to build a Mill at y[e] Plase Peticoned for Thomas Long Caleb Calleway John Barrow John Stepney Being apoynted Apraisers of y[e] Land accordin to y[e] Act of Asembly

Christefer Butler var James ffisher

In a Plea of dept y[e] said ffisher not apearing ordered that y[e] sd ffisher pay to Christefer Butler three pound two Shillings and Six pence and a young Cow and Calfe With Cost upon a Niediset

Thomas Norcom and Mary His Wife Acknowledg an asignement of a convaenc for Land In yoapim River to William Long

ordered That Daniel Snooke be overseer of y[e] High Way from y[e] gate brige at y[e] Head of y[e] River to y[e] viriene Rote And to Make a brig throw y[e] Mash at his road

RALPH FFLETCHER SAMUEL NICHOLSON
JOHN BARROW FFRANCIS FFOSTER

April 1700

At a Court Holden for ye p^r^cinct of Pequemons at ye Hous of James Oats ye Secont tuesday In Aprill 1700

P^r^sent Capt Ralfe ffletcher
Mr John Barrow
Mr Samuel Nicholson
M^r^ ffrancis ffoster
Mr Isack Willson

Thomas Clarke vars Richard Devenport

In a plea of ye case ye Cort Referd It to ye Jure ye Jure on thare oathes Say thay find No Caues of action ordered that Thomas Clark Pay Cost

Upon a complaint of James Perisho overser of ye High Wayes against Daniel Onele for Not Apearing on ye Roade ordered that Daniell Onell pay two Shillings & Six pence With Cost

Thomas Clarke vars Richard Devenport

In a plea of ye Case ye Court Referd It to ye Jure ye Jure on thare oathes Say thay finde for ye Plaintef thirty two Shillings ordered that Richard Devenport pay to Tho: Clark thirty two Shillings With Cost

Upon A Complainte of James Perisho overse of ye High Waye Against ffrancis Jones for Not Apearing on ye Roade ordered that ffrancis Jones pay two Shillings & Six pence With Cost

Gabrill Newby Aturnney to Dorety Bufkin vars Christefer Butler Atturney to Stephen Manwaring

In a plea of ye Case ye Cort Referd It to ye Jure ye Jure on thare Oathes Say thay find No Caues of action ordered that Gabrill Newby pay Cost

Christefer Butler vars Abraham Hobs

In a plea of ye Case ye S^d^ Hobs not being provided Craves a reference ordered that He Have A Reference till ye Next Court

John Anderson Atturney to William Smith of Roade Iland vars James ffrugeett

In a plea of debt ye Sd ffrugeet Confesed Judgment ordered that James ffruget pay to John Anderson fower pound Nine Shillings In poork With Cost

Upon a peticon of Abraham Waren Shewen that He Has Atended ye Court one day an evedence for Anderson order that ye Sd Anderson pay two Shillings and Six pence With Cost

James Thigpen proved a letter of Aturney of Stephen Manwaring by Gabrill Newby And Thomas Overman

The Court Is a Jorn till to Morro Eigh of ye Clock ye Court Meet

Upon A peticon of John Hopkins that He Mout Have a Roade for His Cart between His Plantations ordered that He May Have Liberty of A Roade Note Inieren Any Mans Plantation

William More Proved two Writs for two ℔sons Transported Into this County Whoes Names Are under Written vis Himselfe Elisabeth His Wife

Thomas Hancock Proved five Writs for five ℔sons transported Into this County Whoes Names are under Written vis Him Selfe Mary His Wife May His daughter Elisabeth his daughter John His Sonn

John Hare proved three Writs for three ℔sons transported Into this County Whoes Names Are under Wretten vis Him Selfe Sarah his Wife Sarah Shadock

William ffryle proved on Rite for His transportation aud Asigned It to Robart Murre

Robert Murre proved on Rite for His transportation

CHRISTEFER BUTLER vars JAMES FFISHER

In a plea of dept ye Court Referd It to ye Jury And ye Jury on thare Oathes Say thay ballence ye Account And finde for ye defendant Six Shillings and two pence With Cost ordered that Christefer Butler pay Six Shilling and two pence to James ffisher With Cost

JAMES WARD vars ABRAHAM HOBS

In a plea of ye Case ye Sd Hobs Joyned Ishew but Left ye Cort And Went Away Ordered that Abraham Hobs Pay to James Ward twenty five Shillings And Aleven pence With Cost Ales Exce^r^

Upon A peticon of Christefer Butler Shewen That As He Atended ye Court two dayes An Evedence for James Ward Against Abraham Hobs ordered that James Ward pay five Shillings With Cost to Christefer Butler

Thomas Clark vars Georg Mathes In a plea of ye Case ye Sd Mathes Note Apearen ordered That ye Marshall bring ye Sd Mathes to ye Next Court

Ordered that William More be Constabel

Ordered that Joseph Sutton Sener be Constabe

ordered that Thomas Houghts be Sepened to ye Next Court for thare Neglect upon ye Jure

And William Lacy ye Same Contempt

RALPH FFLETCHER
JOHN BARROW
SAMUEL NICKLSON
ISAAC WILLSON
FFRANCIS FFOSTER

JULY 1700

At A Court Holden ffor the p[r]cinct of Piquemons At the Hows of James Oats y[e] Secont Tuesday In July 1700

p[r]sent Cap[t] Ralph ffletcher
Isack Willson M[r] Samuel Nicholson
M[r] ffrancis ffoster

ordered that Andrew Reede be overseer of y[e] High Wayes betwen Suttens Crick Brige doun to depe Cricke

ordered That Israel Snell be overseer of the High Wayes from Suttens Crick Brigg to J. P.

ordered that William Lane be overseer of y[e] High Wayes from J. P. to y[e] Hed of y[e] River brigge

ordered that Joseph Smith be overseer of y[e] High Wayes from y[e] Head of Caseltons Crick to y[e] Siprus brigg

CHRISTEFER BUTLER vars ABRAHAM HOBS

In a Plea of y[e] Case y[e] Cort Refered It to y[e] Jury y[e] Jury on thare othes Say thay find for y[e] Plaintife five pound Seven Shillings And fower pence With Cost Ales Excecution

Thomas Houghton Willi Lacy Nathanell Nicholson Esay Albartson Robart Mury ffrancis Beasly Willi Hall James Oats Tho: Stevens John Yats John Benet Willi ffryly

John Benet Proved Rits for Six ℔sons transported Into this County Whoes Names Are under Written vis Him Selfe Rose His Wife John Benet Juner Eleuer Benet Jean Benet Thomas Benet

RALPH FFLETCHER
SAMUEL NICKOLSON
ISAAC WILLSON
FFRANCIS FFOSTER

Oct 1700

At A Court Holden At y[e] House of James Oats for y[e] p[r]cinct of Piquemons y[e] Secont Tuesday In October being y[e] 8 day Anno 1700

P[r]sent Cap[t] Ralph ffletcher
M[r] John Barrow
Samuel Nicholson
ffrancis ffoster

James Thigpen Aturney to Stephen Manwaren Acknowledg A deed of Sale for Land And plantation to John Lilly

CHRISTEFER BUTLER vars JAMES THIGGPEN ATURNEY TO STEPHEN MANWAREN

In A plea of ye Case ye Corte Refered It to ye Jury ye Jury on thare Oaths Say thay find for ye plaintef fifty pound Starling With Cost

Ordered That James Thiggpen pay to Christefer Butler fifty pound Starling With Cost Ales Exce Against ye Estate of Stephen Manwaren

Robarte ffendall Acknowledg A deed of Sal for Land to ffrancis Beasley

Robart ffendall Acknowledg A deed of Sal for Land to John Bennet

John Bennet And Rose His Wife Acknowledg An Asignement of A deed of Sale for Land to William Hall

Daniel Hall And Rose His Wife Acknowledg A deed of Sale for to John Bennet ordered That Anthony Alexander be overse of ye High Wayes Upon ye Sound Side

Ordered that Thomas Todd be overseer of ye High Wayes from Bentles Crick to Coles

Ordered that William Jackson be overseer of ye High Wayes from ye ferre to ye Man Rode

William White ordered be overseer of ye High Wayes from Jeames Oatses to ye Chowan brigg

Upon A peticon of James ffrugett And John Stepney Shewen that they Atended ye Court on day Apeece An evedenc for Christefer Butler ordered that Christefer Butler pay to Each of them two Shill And Six pence With Cost

RALPH FFLETCHER SAMUEL NICKOLSON
JOHN BARROW FFRANCIS FFOSTER

1701.

[B. P. R. O. B. T. PROPRIETIES. No. 27. P. 12.]

To the Kings most Exc^llt^ Majestie.

May it please &c

Having formerly on severall occasions humbly represented to your Majesty the state of the Government under Proprietors and Charters in America; and perceiving the irregularities of these Governments dayly to increase, to the prejudice of Trade, and of your Majesties other Plan-

tations in Ameriea, as well as of your Majesties Revenue arising from the Customes here, we find ourselves obliged at present humbly to represent to your Majesty;

That those Colonies in general have no ways answered the chief design for which such large Tracts of Land and such Priviledges and Immunities were granted by the Crown.

That they have not conformed themselves to the severall acts of Parliament for regulating Trade and Navigation, to which they ought to pay the same obedience, and submit to the same Restrictions as the other Plantations, which are subject to your Majesties immediate Government, on the contrary in most of these Proprieties and Charter Governments, the Governours have not applyed themselves to your Majesty for your approbation, nor have taken the Oaths required by the acts of Trade, both which Qualifieations are made necessary by the late Act for preventing frauds and regulating abuses in the Plantation Trade.

That they have assumed to themselves a power to make Laws contrary and repugnant to the Laws of England, and directly prejudicial to Trade, some of them having refused to send hither such Laws as they had enacted, and others having sent them but very imperfectly.

That diverse of them have denyed appeals to your Majesty in Counceill, by whieh not only the Inhabitants of those Colonies but others your Majesties subjects are deprived of that benefit, enjoyed in the Plantations, under your Majesties immediate Government, and the Parties agrieved are left without remedy from the arbitrary and Illegal proceedings of their Courts.

That these Colonies continue to be the refuge and retreat of Pirates & Illegal Traders, and the receptacle of Goods imported thither from forreign parts contrary to Law: In return of which Commodities those of the growth of these Colonies are likewise contrary to Law exported to Forreign parts; All which is likewise much incouraged by their not admitting appeals as aforesaide.

That by raising and lowering their coin from time to time, to their particular advantage, and to the prejudice of other Colonies, By exempting their Inhabitants from Duties and Customes to which the other Colonies are subject, and by Harbouring of Servants and fugitives, these Governments tend greatly to the undermining the Trade and Welfare of the other Plantations, and seduce and draw away the People thereof; By which Diminution of Hands the rest of the Colonies more beneficial to England do very much suff^{r}

That these Independent Colonies do turn the Course of Trade to the Promoting and proprogating woolen and other Manufactures proper to

England, instead of applying their thoughts and Endeavours to the production of such commodities as are fit to be encouraged in these parts according to the true design and intention of such settlements.

That they do not in general take any due care for their own defence and security against an Enemy, either in Building Forts or providing their Inhabitants with sufficient Armes and Amunition, in case they should be attacked, which is every day more and more to be apprehended, considering how the French pow^{r} encreases in those parts.

That this cheifly arises from the ill use they make of the powers entrusted to them by their Charters, and the Independency which they pretend to, and that each Government is obliged only to defend its self without any consideration had of their Neighbours, or of the general preservation of the whole.

That many of them have not a regular militia and some (particularly the Colonies of East and West New Jersey) are no otherwise at present than in a state of Anarchy and confusion.

And because the care of these and other great mischiefs in your Majesties Plantations and Colonies aforesaid, and the introducing such an administration of Government and fit regulation of Trade as may put them into a better State of Security and make them duly subservient and usefull to England, does every day become more and more necessary, and that your Majesties frequent Commands to them have not met with due complyance: We humbly conceive it may be expedient that the Charters of the severall Proprietors and others intitling them to absolute Government be reassumed to the Crown and these Colonies put into the same State and dependency as those of your Majesties other Plantations, without prejudice to any man's particular property and freehold. Which being no otherwise so well to be effected as by the Legislative power of this Kingdome.

Wee humbly submit the same to your Majesties Royall consideration

Whitehall.

March 26th 1701.

STAMFORD
LEXINGTON
PH: MEADOWS.
Wm BLATHWAYT
JOHN POLLEXFEN
ABR: HILL
MATH: PRIOR.

[B. P. R. O. B. T. PROPRIETIES. No: 27. P. 47.]

THE LORDS OF TRADE TO THE LORDS OF THE TREASURY.

APRILL 29th 1701.

My Lords,

There being a Bill depending before the Rt Honble the House of Lords for reuniting to the Crown the Government of severall Colonies and Plantations in America and their Lordships having thereupon directed (as we are informed) that Councill be heard at their Bar tomorrow being Wednesday, as well in behalf of his Majty as of the Proprietors concerned which will require that some person be appointed to sollicite the same and furnish what shall be necessary towards the charge thereof on the Kings behalf, wee offer to yoar Lordships, that the Solliciter of the Treasury may be directed to take that care and furnish the necessary charge in assistance to Mr Randolph who has Orders to follow that matter we are

My Lords
Your Lordsps most humble
servants
STAMFORD
MEADOWS
Wm BLATHWAYT
JOHN POLLEXFEN
ABR: HILL
MAT: PRIOR

Whitehall
Aprill the 29th 1701.

[B. P. R. O. B. T. JOURNALS. V. 14. P. 55.]

WHITEHALL. June 11th 1701.

Mr Randolph acquainting the Board that there is now no chance of passing this Session the Bill which has some while lain before the House of Lords for reuniting to the Crown the governt of several Colonies and Plantations in America And that several of the witnesses which he had now ready to have produced about that matter will not be here at another Session of Parliament, Their Lordships desired him to take all their Affidavits that may be material before a Master in Chancery and to lodge 'em here which he promised to do accordingly.

WHITEHALL JULY 22nd 1701.

Mr Micajah Perry presented to the Board an extract of an Act lately passed in Carolina relating to the currency and rate of several coins there & complained that those who had debts standing out in that Country, where by the raising of money, as ordered by the said Act defrauded of 30 per cent of their due Whereupon Ordered that a copy of that extract be sent to Mr Thornburgh that he may know what the Lords Proprietors of Carolina have to say upon it and accordingly acquaint this Board therewith

WHITEHALL. JULY 30th 1701.

A letter from Mr Thornburgh of the 29th in answer to one Writ him the 22nd inst. concerning *An Act for raising the coin in Carolina* was read Declaring that he does not remember that any such Act has yet been transmitted, Or if perhaps it were that he is confident of the Lords Proprietors dissent to it.

[B. P. R. O. B. T. VIRGINIA. VOL. 38. P. 86.]

LORDS OF TRADE TO GOV. NICHOLSON 22 JULY 1701.

To the Honble Francis Nicholson Esqr His Maj. Lieutenant and Governor General of his Maj. Colony and Dominion of Virginia in America or for the Commander in chief of the said Colony for the time being.

SIR,

The irregularities & misdemeanors that have long been practiced in his Maj. Plantations under Proprietary and Charter Governments to the prejudice of Trade and of other Governors appointed by his Maj. immediate Commission as likewise to the prejudice of his Maj. Revenue arising from the customs And the small effect we have found of our Application to the respective Governors of those Proprietary Plantations for the redressing such matters having obliged us the last winter to represent the same to His Majesty and it having been thereupon thought fit that the remedy of those evils is not any other ways so well attainable as by the Legislative powers of this Kingdom a Bill was accordingly brought into the House of Lords for reuniting the government of those Plantations to the Crown and putting them into the same State and dependency as his Maj. other Plantations aforementioned without prejudice to any mans particular property or freehold.

But that Bill by reason of the shortness of time and multiplicity of other business not having passed into an Act And it being very probable that the same matter may again come under consideration the next Session of Parliament We have thought fit to desire and do accordingly hereby desire and direct you to get the best information you can relating to the conduct of Proprietary Governours and Governments upon the several Heads of Observations that have been made of their undue proceedings whereof we send you a copy here inclosed And upon such other heads as you judge proper to give a true light into the state of those Plantations (more especially in relation to Carolina and the Bahama Islands) and to transmit unto us the most authentic and most particular proofs that you can procure of the truth of those matters with all possible diligence So we bid you Heartily Farewell

Your very loving Friends

STAMFORD
PH. MEADOWS
ABR. HILL
MAT. PRIOR.

Whitehall
July ye 22^d^ 1701.

[B. P. R. O. B. T. Va. 38. p. 86.]

OBSERVATIONS RELATING TO THE PROPRIETARY GOVERNMENTS IN AMERICA.

The Governours of the Propriety and Charter Governments are generally not qualifyed by taking the Oaths required by law nor have they his Maj. approbation according to the Acts of Trade and more particularly the late Act for preventing frauds and regulating abuses in the Plantation trade.

They have assumed to themselves a power to make Laws contrary & repugnant to the Laws of England and prejudicial to our trade.

Some of them have refused to send hither such Laws as they enact, some neglect to do it and others have sent the Laws but very imperfect.

Divers of them have refused Appeals to His Majesty in Council by which the inhabitants of those Colonies are deprived of the benefit allowed in the Plantations under His Maj. Government and the parties aggrieved are left without Remedy for the arbitrary and illegal proceedings of their Courts

Those Proprietary Colonies are the ordinary refuge & retreat of Pirates & illegal Traders.

By raising and lowering their coin from time to time (as may be for their particular advantage) they prejudice other Colonies in drawing away their money and likewise draw away their servants and people and harbour fugitives

They apply themselves to the improvament of woollen manufactures and other manufactures and products of England which they carry directly to the Foreign parts and more especially to the Spanish Indies And they furnish themselves from Foreign parts with all sorts of European commodities to the great prejudice of the interest of this kingdom.

They do not put themselves in a state of defence by having any regular Militia, arms or ammunition

Some of them are in a state of Anarchy and Confusion

[B. P. R. O. B. T. Virginia. Vol. 9. F. 12.—Extracts.]

GOV^{r} NICHOLSON TO LORDS OF TRADE 2 DEC. 1701.

Virginia 10^{ber} 2nd 1701.

May it please Your Lordships,

* * * *

I have had the honor to receive your Lordships letter of June 22^{d} concerning the irregularities & misdemeanors that have been long practised in His Maj. Plantations and Proprietor and Charter Governments &c. all which is most certainly true as are likewise Your Lordships Observations relating to the Proprietary Governments in America and I am heartily sorry and concerned the Parliament hath so much business that a Bill concerning them was not passed but I hope in God it will this Sessions.

The Honble Col. Robert Quary about two months ago touched here in his way home from South Carolina

I have particularly discoursed him about Dr. Cox's affair And if the Doctor should obtain according to my Lord Matravers his Grant We are apprehensive that it will take away a good part of Virginia which lies on the south side of James River but with submission I believe it is rather a sort of Indenture and I think my Lord Matravers never complyed with any one condition at least no such thing appears upon our Records this is matter of law and so beyond my capacity to determine but if the

dispute lies between the Lords Proprietors and Dr. Cox and that he be willing (according to this letter to me) to put it under his Maj. Govern^{t} of Virginia (it may be of interest and service in point of the tobacco trade) and be content that the Plantations of those who have taken Patents here, since Charles the 2nd his Grant to the Lords Proprietors may be the boundarys betwixt Virginia and New Carolina then it had better be the Doctors than the Proprietors (if they will not do the same things) for some people are apprehensive that if the Line should be run according to the Lords Proprietors Charter it would take in several plantations which now pay Quit rents to his Majesty and are in all other respects under his government I heartily wish that this affair of the bounds was well settled in the mean time will not be wanting in my duty to his Majesty according to your Lordships commands in that affair.

In order to settle the affair of North Carolina I humbly propose that his Majesty would be graciously pleased to purchase the proprietorship thereof if it cannot be had otherwise and if £2000 sterling were given for it (but I hope it may be purchased much cheaper) I suppose in some years time his Maj. would be no looser by it considering the advantage of the Quit rents and of the encouragement that people might have in going upon tobacco there &c. And this £2000 might be spared out of the Quit rent money now in Mr Auditor's hand for I am in hopes that they will this year sell indifferently well.

* * * *

I was extraordinarily troubled & concerned that the intended meeting of his late Excell^{cy} the Earl of Bellomont Govr Blakiston & myself was disappointed but I humbly propose that all those Governors who have immediate Commissions under his Maj. on this Continent may meet together as soon as possible in order to consult about this affair of the Indian trade as also concerning others of his Maj. interest and service but if the Proprietary or charter Govern^{ts} should be there to be snre their own interest & service would be their main design for I suppose some of the principal things which we should consult about would be the great prejudice it is to his Maj. interest and service to have Charter & Proprietary Govern^{ts} and humbly to represent the reasons thereof as also how they may be remedyed As to the first it cant be expected that those Governours will joyn with us nor is it in the least convenient that they should know the reasons either against them or how they may be remedyed If the Charter and Proprietary Governours should be ordered to be at such a Meeting they would make great use of it with their people that his Majesty owns them as Governours tho' they have not complyed with the

Acts of Parliament for taking of Oaths particularly of that of a Govr for duly observing the Acts of Trade & Navigation & that nothing can be done at least without some of them as was reported in Pennsylvania upon his late Excel^{cy} ye Earl of Bellomonts Govr Blakiston and my being to meet there and that his Maj. had ordered us to wait on Mr Penn But if they are not there the people might take it that they are slighted and that his Maj. did not think them qualifyed by law as they ought to be or that they were not to be made use of by his Maj. or protected by him as the other Governours were who have the honor to have his Maj. immediate Commissions It might discourage their own people and be a means to make them uneasy under their government and fly to his Majesty for protection as on the other hand it might be an encouragement to those under the governments of his Majesty. If your Lordships please Col. Quary can give you an account of these affairs being so desired by him who is

Your Lordships
most obliged and
faithful humble Servant
FR: NICHOLSON

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

ANNO DOM 1701 CHOWAN PRECINCT Ss—

In obedience to an act of assembly made November the 12th 1701 appointing a Vestry for this precinct Consisting of.

The Hono^{ble} Henderson Walker Esqr.
Col Thomas Pollock
William Duckenfield Esqr
Mr Nicholas Crisp
Mr Edward Smithwick.
Mr John Blount
Mr James Long
Mr Nathaniel Chevin
Mr William Banberry
Col William Wilkinson
Capt Thomas Leuten.
Capt Thomas Blount.

Who being all present at the house of Mr Thomas Gillam. December 15th 1701.

It being debated where a church should be built Mr Edward Smithwick undertakes to give one acre of Land upon his old plantation and to give a Conveyance for the same to the Church Wardens hereafter appointed for the use and service of the precinct to build a Church upon, and for no other use an to acknowledge the same in open court.

THE CHOICE OF CHURCH WARDENS.

It is appointed that Col William Wilkinson and Capt Thomas Leuten shall be church-wardens for the following year, who shall agree with a workman for building a Church 25. feet long, Posts in the ground and held to the Collar Beams, and to find all manner of Iron work vizt nails and Locks &c with full power to contract and agree with the said Workman as to their direction, shall seem meet and convenient.

It is agreed that Nathaniel Chevin shall be Clerk of the Vestry and shall keep a book of the proceedings of the Vestry for which he shall be allowed so shillings ℔ Day for every Day he attends upon the Vestry or Church Wardens

Ordered that the Church Wardens aforesaid having agreed with Workman for the building of a Church as aforesaid. Whatsoever Charge shall accrue for and towards the building of the aforesaid Church, or any other Charge relating to the same (although not here particularly mentioned), by the said church Wardens be levied by the pole upon the Tythables of the Precinct, the Church Wardens first endeavouring to raise the said money by contribution, and in case of failure to raise it by the pole as aforesaid, to agree with a Collector or Collectors to receive the same with power to destrain in case of Refusal. Ordered that the Church Wardens provide a reader, and shall agree with him for his service, and that each Vestry man shall do his endeavour to inquire for a Reader, and give thereof an account to the Church Wardens if any presents.

Ordered that the Inhabitants of the So West Shore. build a Chappel of Ease on their Shore at the charge of the precinct after the aforesaid Church be built, and that they may there have a reader at their own cost and charge. and be excused from paying any thing to a reader on the North Shore. And that either the Honble Col^{l} Thomas Pollock or William Duckenfield Esqr agree with the said reader.

Ordered that Twelve pence be levied on every Tythable in the precinct. and that Eight pounds be paid out of it to Chris^{r} Buttler towards the supply and maintenance of Robt Willson, And that Francis Wells collect the lower part of the precinct, as high as Mr Crisps and William

Early, from thence upwards on the west shore by William Jones on the South Shore by John Walker, and shall render and account of the same, to the Church-wardens and the said church wardens shall pay out of it to Christopher Butler Eight pounds and shall give an account of the remainder to the Vestry. And the Constable of each District shall deliver the copy of this order to the respective collector. And if any of the aforesaid collectors shall refuse the same the Constable or constables of their district shall bring them before the Hono^{ble} Henderson Walker Esq &c or before the Hono^{ble} Thomas Pollock to answer their contempt.

[B. P. R. O. B. T. Proprieties. No. 26. p. 464.

AN ABSTRACT OF MY PAPER HUMBLY PRESENTED TO THE RIGHT HON^{ble} THE LORDS COMMISS^{rs} FOR TRADE SHEWING THE HIGH CRIMES AND ENCREASING MISDEMEANORS AND MALL ADMINISTRAT^{n} OF THE GOVERNORS IN THE SEVERALL PROPRIETIES ON THE CONTINENT OF AMERICA, AND ISLANDS ADJACENT.

* * * *

South Carolina.

Mr John Archdall the late Govr (under his son a Lord Proprietary of the Province) permitted some of Every's Men, who came from Providence to Land, and bring their money quietly a shoar, for which favour he was well paid by them.

He contrary to the Acts of Trade, gave his Permitt to Simon Tristrank (a French man borne) who came from St Thomas to put off his sugar, wine and cocoa, for which his Marshall received for the Governor a large present, and therefore he would not suffer the Judge of the Admiralty, nor the Collector to seize her, saying she belonged to English owners, vide depositions.

He allowed one Day Master of a great ship of Bristol which came into the Harbour loaden with Sugar from Jamaica, to sell his Sugar to a merchant in Charles Town, upon Condition that Mr Archdale should have a share of it.

Mr Blake his successor in the Governm^{t} sent six barrells of Gunpowder, bought for defence of the Country (being a great Indian Trader) by his Agents to purchase skins of the Indians, vide Depositions.

He clandestinely got £80. from William Joel Ma^{r} of a Bermuda sloop, which he caused to be seized, upon pretence she was not registered,

whereas the time for registring vessells was not expired, vide Depositions.

He caused a sloop belonging to Carolina loaden with Negroes from Guinea, to be seized upon the same pretence, and discharged her upon the owners promise to pay him 50£. (vide Depositions of the Owners sworn before a master in Chancery.)

He was consenting to the seizing of the ship Carlisle stop five months in the Country, upon pretence that the Ma^{r} was a Pyrate, but the design was to get her into his and his Confederates hands, by putting the sailors upon seizing her for their wages, and then get her to be sold to them for little or nothing.

By a Trick he put upon the Credulous Master of the Edward and Sarah of London, loaden with sugar from Yamaica, he gott the Management of the vessell and her Loading into his hands, and leaving that to the care of one Loggen, they imbezilled the Sugar and brought in Extravagent Charges for Comission, which were allowed. The vessell was sunk through their neglect, yet they demanded and had 30£. for their care & diligence.

He and the Judge of the Court of Admirality (his brother in law) condemned the Snow Gully of London, and her Loading they were appraised at a low value. His Majesty sometime after was pleased to order them restore to the owners the vessell & Loading, which they were glad to take at the appraised value, besides the loss they sustayned for want of their market However Governor Blake and his confederates made great advantage by the sale of those Goods at the Country price

The Cole and Bean Galley of London and Loading worth two or three thousand pounds sterl: were condemned and appraised at not half the value, the vessell was bought by Loggan under hand for the Governor and Bellinger, and the pretended collector for much less than halfe what she cost setting out in England; they sent her to the Bay of Campeache for Logwood and ordered the Master to sell her, and her Loading at Curasoa or Holland.

He turned Mr Nicholas Trott (app^{td} ye Naval Officer by the Lords Proprietors and also by the Commissioners of his Majesties Customes) out of his place because he was diligent and faithfull to his trust, and put another therein, who was his confident and not fit for the place

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NORTH CAROLINA.

Thomas Harvey late Governor was deputed by Mr Archdall he put Mast^{rs} to great charges because of their vessells not being registered, though the time lymitted for registering them was not expired. The

Tobaco made in that Province is generally carried to Boston or to the Islands near to Connecticott Colony where it is carryed to Scotland &c which fraund ought speedily to be prevented.

During his Government his Majestys ship the Hady was drove a shore upon the sands between the Inletts of Roanoak and Currituck, the Inhabitants robed her and got some of her guns ashore and shot into her sides and disabled her from getting off. The actors were tryed and one of the chief was banished. Henderson Walker the present Governor in no sort fit for the Office

* * * *

May it please Your Ld^pps^

The many misdemeanors I have justly charged upon the severall Governours in the Proprieties, arise chiefly from a very great neglect in the Propriet^rs^ not taking due care to provide an Honorable Maintenance for snpport of their Governors, which is the true reason why no honest Gentleman of good reputation and abilities, to serve his Majesty in the Quallity of Governors will leave his Country to live upon the Rapine and spoil in the Proprieties, as many of them have done for severall years last past; For 'tis easy to believe that Governors in such necessities will be soon tempted to do all unlawfull things. Neither have they taken any notice of the frequent complaints of the grievous oppressions done by their Governors to his Majesties subjects, nor of their exacting extravagant Fees from Masters of vessells and other Trading Persons, so as to redress them; Whereby lawfull Traders have been wholy ruined.

They have not at any time (during the late Warr with France) bought or sent over any great Guns, or small Armes for Horse or Foot Amunition of all sorts, nor provided ships of Warr to be manued when necessary, nor soldiers ready for the defence of his Majestie's subjects inhabting those Provinces, so that all the Proprieties (from the Bahama Island south beyond Pemaquid North) at this time lie open and exposed to every invasion, being an easy prey to their merciless and insulting Enemys the French and Spaniards &c: especially South Carolina, lying within sixty miles of the Town and Port of St Austin, a place well fortyfyed and mand; from whence I saw a Lieutenant and six Spanish soldiers in March 1699, who came from thence in a small Periogna within the Land.

From the consideration whereof and for the more effectuall preventing the imminent ruine the Proprieties are in at present, and also for the more effectual suppressing the growing evills arising from the arbitrary practices of their Governors which the Proprietors are in no sort capable to redress.

Tis therefore humbly proposed

1. That the Government of all the Proprieties on the Continent of America and Islands adjacent be forthwith vested in the Crown.

2. That all the just Rights & Propr^ties of the severall Proprietors, and also of all the Persons claiming by or under them, be continued and confirmed to them by Act of Parliament to be enjoyed in as full and ample Manner as they have or may of right enjoy by virtue of their respective Grants or Patents for the same.

By which means they themselves will be fully secured in all their Rights, under an Equall Administration of his Majesties Government and protected in their lives and Estates from Rapine and depredation. The Acts of trade duly observed in all his Majesties Colonies and Provinces, and his Majesties Revenue yearly encreased, which will be a mighty benefit and advantage to all his Majesties Subjects inhabiting there.

And lastly their lands and estates made thereby far more valuable than before.

* * * * *

All of which is humbly submitted by

E. RANDOLPH.

[Records of Perquimans Precinct Court.]

April 1701 At A Court Holden at the House of Capt Anthony Dawson for ye p^r^cinct of piquimons ye 8 day of April 1701

p^r^sent Capt Ralph ffletcher Judg
Mr Samuel Nicholson
M^r^ ffrancis ffoster Justises

Ordered that James Coles be Constabel for ye year Insuen

Ordered that Samuel Charles be Constabel for ye year Insuen

James ffugeet vars John Bennet

In a Plea of defamation ye Sd Bennet not apearen

Ordered that ye Shrife bring ye Sd Bennet to ye next p^r^cinct Court

RALPH FFLETCHER
SAMUEL NICKOLSON
FRANCIS FOSTER

July 1701

At A Court Holden At ye House of Capt Anthony Dawson for ye p^r^cinct of Piquimons ye Secont tuesday In July being ye 8 day 1701

p^r^sent Capt Ralph ffletcher Judg
Mr Samuel Nicholson
Mr John Barrow Justices
M^r^ ffrancis ffoster
Mr Isack Willson

Isack Willson Proved A Letter of Aturney of Henery White by Samuell Nicholson

THE HON^{ll} HENDERSON WALKER vars ABRAHAM HOBS

In a plea of debt ye Sd Hobs Cofesed Judgment ordered that Abraham Hobs pay to ye Hon^{ll} Henderson Walker fower pounds twelfe Shillin In poork With Cost Ales Excecution

Juliana Lakar and Ruth Laker Proved A Will of Beniamen Laker by ye Oathes of Richard ffrench And Elisabeth Steward Debro Thuston

JOHN MORE vars DANIEL SNOOKS

In a plea of debt ye Court Referd It to ye Jury ye Jury on thare oath Say thay find for ye Plaintef too Cow & Calf and thirty Shilling dameg With Cost of Sute ordered that Daniel Snooks pay to John More too young Cows and Calfe and thirty Shilling dameg With Cost of Sute Ales Execution

EPAPHRODITUS BENTON vars DANIELL SNOOK

In a plea of debt ye Court Referd It to ye Jury ye Jury on thare oathes Say thay find for ye Plaintef on young Cow and Calfe And twenty Shillings dameg With Cost of Sute Ales Excecution

Co^{ll} Robart Quarry Plaintef declares against Abraham Hobs defendant in a plea of debt ye sd Hobs Confesed Judgment ordered that Abraham Hobs Pay to ye sd Quarry Six Hundred Waite of ffresh Poorke and nine Hundred Waite of good Sound Marchantabel to Bacco and Cask Ales Exce With Cost of Sute

Robart ffendall proved a Letter of Aturney of William ffryly and Grase His Wife and Thomas Blunt and Mary His Wife

Robart ffendall Aturney to William ffryly and Grase His Wife and Mary Blount and Thomas Blount acknowledg a deed of Sale for Land to James Coles Aturney to Edmond Peirce

Anthony Alexsander and Ann His Wife acknowledg a deed of Sale of Land to ffrancis Beasley

Anthony Alexsander and Ann His Wife acknowledg a deed of Sale for Land to Thomas Harvy

Archbill Homes Aturney to William Barrow and Elisabeth His Wife acknowledg a deed of Sale for Land to John Hopkins

Upon a Peticon of Robart Inkrsone Shewen that Walter Sestions is ded Haven Made No Will ordered that Robart Inkrsone that married ye Rellock of ye sd Sestions Have Adminestration of ye goods and chattels Walter Sestions Haven give bond and Securitie for ye Same

John ffalconer acknowledg a letter of Aturney to Thomas Norcom

ordered that John Stepney and William White and Thomas Houghton be apraisers of ye Estate of Walter Sestions & bring an Inventore to ye Next Court

Juliana Laker's Maken choys of Capt ffletcher and Mr John Barrow and Isack Willson to be apraisers of Beniamen Lakers Estat ordered that Capt Ralph ffletcher and Mr. Barrow and Isack Willson apraise ye sd Estat and bring an Inventory to ye next court and to devid ye sd Estate between Ruth Lakers and ye Widdo Lakers.

JAMES FFUGEET vars THOMAS STEPHENS

In a plea of ye Case ye Court Referd It to ye Jnry ye Jury On thare Oathes Say thay find no Caues of action ordered that James ffugeet pay Cost

Upon A petic̄on of John Pricklo Shewen that ffrancis Bedson Lay Sick At His A Long time And At Last dide And ye Sd Pricklo Buried Him At His on Cost And Charg ordered that What thare Was In ye Sd Pricklo Custodie of Bedsons Estate He May Keepe for His Satisfaction

The Court AJoyrnd till Nine of ye Clock to Morro

The Court Met In order to ye AJoyrment

Upon A petic̄on of Richard ffrench Shewen that He Has Atended ye Court on day An Evedence for the Hon^{ll} Presedent Henderson Walker upon Hobs Is bill ordered that His Honor pay to ye Sd ffrench too Shillings & Six pence With Cost Ales Exce

Ordered that William Lacy be overseer of ye High Wayes from L P to ye Head of ye River brigg

Ordered that Samnel Passons be overseer of ye High Wayes from Suttens Crick to ye yousall plas In Littel River

Ordered that Gabrill Newby be overseer of ye High Wayes from ye Casseltons Crick to ye Siprus Brigg And from R P to Lawrence Magoes

Upon A Petic̄on of Thomas Norcom Aturney to Mr Thomas Blunt Shewen that ffrancis Bedson Is ded Haven Maid No Will ordered that Thom Norcom Have Adminestration of ye goods And Chattels of ffrancis Bedson He Haven give bond Security for ye Same

RALPH FFLETCHER SAMUEL NICKOLSON
JOHN BARROW ISAAC WILLSON

Oct 1701

At A Court Holden at ye Gran Court House for the p^{r}cinct of Piquimons ye Secont tuesday In October 1701 being ye 14 day

P^{r}sent Capt Ralph ffletcher Jud;
Mr John Barrow
Mr Samuel Nicholson
M^{r} ffrancis ffoster Justise

Robart Sutton And Elizabeth His Wife Acknowledg A deed of Sale for Land to Esay Albertson

Majer Samuell Swann And Elizabeth His Wife Acknowledg A deed of Sale for Land to Samuell Swann Juner

Upon a Peticon of John Heckenfele Shewen that George Pordy Is dead Haven Maide No Will It Is ordered that ye Sd John Heckenfele Have Adm of ye goods and Chattells of ye Sd Estate Haven Entred Into bond And Seeurity for ye Same He being ye gratest Credeter

ABRAHAM HOBS vars THOMAS STEVENS

In a Plea of defemation ye Court Referd et to ye Jury ye Jury on thare Oathes Say thay find No Cauese of Action

Ann Willson Juner Proved A deed of Sale of Ann Willson Sener by Joseph Smith And David Sharwod

Thomas Stevens And Jean His Wife bound thare Sonn Beniamen Stevens to Christepher Butler His Heirs Till he Comes of Eage of one And twenty He being Six years ould And upwards Now.

ABRAHAM HOBS vars JEAMES FFISHER

In ye plea of ye Case ye Court Referd It to ye Jury ye Jury on thare Oathes Say thay find for the Plaintef ordered that James ffisher deliver to ye sd Abraham Hobs his erope according to thare Condition With Cost of Sute Ales Exceeu^r^

John Anderson and Jean his Wife acknowledg an asignement of a deed of Sale for Land to Jeames Layton

JULIANA LAKER vars THOMAS STEVENS

In a Plea of ye Case ye Court Referd It to ye Jury ye Jury on thare Oathes Say they ffind no Caues of aetion ordered that Julyana Laker pay Costs Ales Exceeution.

Mistris Julyana Lakers Craven an Apele to ye gran Court ordered y^t^ Shee Have an Apele

Upon a Petieon of Samuel Philps and Jeames Chesen Shewen that as they Lived With Johu Lilly till he dyed and Maide A erop ordered that Samuell Philps have a full Sheare of all ye erop and Jeames Chesen Halfe a Sheare of the Crope

Oetober ye 14 Anno 1701

RALPH FFLETCHER
SAMUEL NICHOLSON
FRANCIS FOSTER

[FROM MSS. RECORDS OF FRIENDS' MONTHLY MEETINGS IN PASQUOTANK PRECINCT.]

At a monthly meeting Held at the House of Stephen Scott the 3rd of the 7th march 1701 Thomas Cartwright and Mary Steward had their Intentions of taking Each other in Marriage it being the first time

1702.

[From MSS. Records of Friends' Monthly Meetings in Pasquotank Precinct.]

At a Monthly meeting Held at the House of of Stephen Scott the 6th of the 3rd Month 1702 It is concluded by the said Meeting that the Monthly Meeting be held henceforward at the House of Caleb Bundy upon the first 5th day in Each Month to be for men and womens meetings Also it is further concluded that the first day meetings shall be held heneeforward one first Day at the House of Stephen Scott and the other at the House of Henry White

[B. P. R. O. B. T. Proprieties. No. 27. p. 426.]

W. POPPLE TO Mr ATTORNY GENERAL.

April 8th 1702.

Sir,

The Lords Commissioners for Trade and Plantations having immediate Occasion to look into some of the acts of Pensylvania, which are in your hands, they desire you to return them without giving yourself the trouble at present of making any particular Report thereupon; Only they would be glad to receive your and Mr Sollicitor General's answer to the Two Questions expressed in my Letter of the 29th of October last, wherein I sent you the said acts, with what speed you can. I am &c

W: POPPLE.

Whitehall April 8th 1702.

An Act for remitting to the Crown the Government of several colonies and Plantations in America.

Whereas by virtue of several charters and Letters Patents under the Great Seal of England passed and granted by several of his Majesty's Royal Predecessors, as also by his present Majesty and the late Queen Mary of Blessed Memory, the several Colonies, Provinces and Plantations of the Massachusets Bay, New Hampshire, Rhode Island and Providence Plantation, Connecticut in New England, East and West New Jersey, Pensylvania and the adjacent Territories, Maryland, Carolina and the Bahama or Luca Islands in America, have been granted unto several persons, together with the absolute Government and authority over his Majesty's subjects in those Places, whereby the Grantees were not only made Proprietors of the Soil and Lands comprehended within the said Places but also Lords and Governors thereof, with full power of exercis-

ing Royall Government and other Jurisdictions over the Inhabitants thereof; and whereas the severing of such power and authority from the Crown and placing the same in the hands of subjects hath by Experience been found prejudicial and repugnant to the Trade of this Kingdom and to the Wellfare of his Majesties other Plantations in America, and to his Majesty's Revenue arising from the Customes by reasons of the many Irregularities committed by the Governours of these Plantations and by those in authority there under them, by encouraging and countenancing pirates and unlawfull Traders and otherwise. Be it therefore enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and commons in parliament assembled, and by the authority of the same; That all and singular the clauses, matters & things contained in any Charters or Letters Patents heretofore passed under the Great Seal of England by any of his Majesty Royal Predecessors or by his present Majesty and the said late Queen, relating to the Government of his Majesty's subjects within the said Plantations, Colonies or places, or any of them or within any other Plantation, Colony or place in America, whereby any Power or authority is granted to any person or persons from the Crown, be & is hereby declared and enacted to be utterly void and of none Effect. And it is hereby further declared and enacted, shall all such power and authority priviledges and jurisdictions be and are hereby reunited, annexed and vested in his Majesty, his heirs and successors, in right of the Crown of England, to all intents and purposes, as though no such Charters or Letters Patents had been had or made. Provided always that nothing herein contained shall be construed to extend any ways to alter, take away diminish or abridge the right or Title, which any person Persons or Bodies Politick or Corporate have or lawfully may have or claim to any land, tenements or Hereditaments or any other matter or thing (Authority and Government only excepted) by Virtue of the said or any other Charter or Letters patents or by Virtue of any Right or Title derived from or under such Charters or Letters patents by any mean assignments or conveyances or otherwise howsoever. Provided also that nothing in this Act contained shall be construed to impower his Majesty, his heirs or successors to govern the said Plantations, Colonies or places or any of them or the Inhabitants thereof otherwise than according to the Laws in force in the said Plantations and Places respectively not repugnant to the Laws of England and such other Laws and Constitutions as shall from time to time be made by General Assemblies of the said respective plantations according to the several and respective Privi-

ledges as at any time heretofore granted to the said several Plantations and Colonies respectively, by any Charter or Charters or Letters patents under the Great Seal of England and according to the usages in his Majesty's other Plantations in America.

[B. P. R. O. North Carolina. B. T. Vol. 4. p. 92.]

The Right Honble John Granville Esqre one of her Majestyes most Honble Privy Councill Palatine the Right Honble William Lord Craven the Right Honble John Lord Carteret the Honble Maurice Ashley Esqre Sr John Colleton Bart^t^ and the rest of the true and absolute Lords and Proprietors of Carolina in America

To Our Trusty and Wellbeloved Sr Nathaniell Johnson K^t^ Governor of South and North Carolina

Wee the said True and Absolute Lords & Proprietors of the Province afores^d^ Reposing Special Trust and Confidence in the Courage Loyalty and prudence of you the said Sr Nathaniell Johnson Doe hereby constitute and appoint you during our pleasure Governor of Our whole province of Carolina and you are to doe and execute All things in due manner and forme That shall belong to your Command or the trust wee have repose in you according to the severall powers Granted you by this present Commission Wee do hereby further Impower constitute and appoint you our said Governor to be Admirall Captaine Generall and Commander in Cheif of All the Forces Raised or to be raised by Sea and Land within our said province and over them to appoint a Lieutenant Generall or Lieutenant Generalls Vice Admirall or Vice Admiralls both in South and North Carolina And Wee doe hereby further Impower you upon all Occasions dureing your abode in America to constitute a Deputy or Deputy Governours both in South and North Carolina dureing you pleasure And to constitute and appoint all and singuler Offices in and for the Government of our said province province dureing your pleasure And the pleasure of us the Lords Proprietors Wee doe hereby Impower you in case of your departure at any time from Carolina to England to appoint and constitute a Deputy Governour or Deputy Governours both in South and North Carolina with such powers as you shall thinke necessary Provided the same be agreeable to and doe not exceed those by vs granted to your selfe Wee doe further give you full power and authority with the advice and consent of any three or more of our

Deputyes to Grant and Sell Land in fee Reserving twelve pence for One hundred acres ℔ an^{n} as an acknowledgm^{t} And to settle the Quitt Rents by Patents or Indentures and by such a method as you our s^{d} Governour with any three or more of our Deputyes shall thinke fitt soc as when money cannot be had a true value may be settled in the Best of such Commodityes as the Country is capable of produceing Wee doe further Impower you to Escheat Land and afterwards to Lett it for Rent or Sell the same And wee doe hereby Farther Impower you our said Governour by and with the advice and consent of Our Councell and Generall Assembly of our Province or any part thereof wherein there is a Distinct Government to alter any former Lawes that shall be thought fitt to be changed And to enact all such reasonable Lawes and Statutes for the better Government of our said province as you with the advice and consent of Our Generall Assembly shall thinke expedient provided the said Lawes be not contrary to the powers granted to vs in Our Charter from the Crown and as neare as possibly agreeable to the Fundamentall Constitutions excepting in what relates to Juryes wherein we have already given Directions And we Doe hereby Repeale and make void all other Commissions Given by vs to Former Governours of our said Province Given under our hands and The Great Seale of Our province this eighteenth day of June 1702

J GRANVILLE Palatine CRAVEN

GREAT SEAL OF CAROLINA

J GRANVILLE for LORD CARTERET
JOHN COLLETON

A Duplicate of the same Commission und^{r} the Great Seale was signed also by the same partyes

Instructions for Sr Nathaniell Johnson Knight Our Governour of South and North Carolina

Wee Herewith send you a Commission to be Our Governour in Cheife of South and North Carolina and to Record the same with those Instructions

In the Government of Our affairs in our said province committed to your care you are to follow such Rules as we have Given in Our Fundamentall Constitutions Temporary Lawes and Instructions to Our Former Governours and entered upon Record in Our said Province And to be guided by the same or soe many Articles thereof as shall in your Judgement seeme most fitt to be put in practice

You are with the Assistance of the Grand Councill To Inspect into All our Constitutions and what of them you shall thinke most expedient for the Better Establishment of Our Government for the Good and welfare of Our people You are to present to the Generall Assembly for their concurrence and we Will and Ordaine That what shall be by you and our Grand Councill and Assembly soe agreed on you cause to be transmitted to vs that the same may be considered of and Ratyfied vnder the hands & seales of vs the Palatine ourselfe and three or more of vs the Lords proprietors ourselves before they are published and putt in Execution as Lawes in Carolina

Any Law past before it hath been Ratyfyed under the Hands and Seales of us the palatine ourselfe and three or more of vs the Lords proprietors ourselves vnder our hands and seales and by Our Order published in the Generall Assembly of the Landgraves and Cassiques and Delegates for the Countyes shall cease to be a law whenever wee the palatine and three or more of us the Lords proprietors signifye Our Discent to it vnder Our hands and seales

You are to take all Immaginable Care to see the Acts of Trade and Navigation duely to be observed

You are with our Trustees to use your endeavour for the selling of land But to Reserve a Quitt Rent of Twelve pence a yeare for One hundred acres And so proportionably Your price for the same neare the Settlements not to be under Twenty pounds a thousand acres and at Two hundred miles Distance or neare the mountains Ten pounds for a thousand acres and not under and also to grant land at a penny an acre yearely Quitt Rent And that all Future Grants containe a provision to make the Land escheate unless a Settlement be made within the space of four years And that not above Five hundred acres to be Lett to any one person without a warrant under our hands and seales But for the Lands in Albemarle County You are to sell the at such Rates and prices as by Our Instructions to our Late Governour John Archdale Esqre

You are to cancell all our Blank Deputations for Landgraves and Cassiques

You are to take great care That the Indians be not abused and that all means may be vsed to civilize them And that you endeavour you utmost to create a Firm Friendship with them And to Bring them over to your part for your better protection and defence against the Enemy the neighbouring French and Spanyards against whom you are to protect our said province And we assure you of our utmost assistance for your security

Having received Letters of Complaints from the Comissioners of Trade and plantations with an Inclosed Opinion of Councell at Law

against an Act past in Carolina the first of March 170$\frac{0}{1}$ for the Better Regulating the proceeding of the Court of Admiralty in Carolina and the fees of the same as tending to the Incouragement of vnlawfull trade Injurious to the officers of the Admiralty there and differing from the Manner of practice in the High Court of Admiralty here in England The copy of which Bill transmitted us came not to our hands or wee have not the same by vs Therefore wee direct you with Our Grand Assembly to inspect into the same and to make all the necessary and due alterations therein And send us the same for our determination

You are to transmitt to us as soon as you can conveniently get it handsomely transcribed a full and exact account of our yearly rents what they amount to in the whole and the particular men from whom due and what from each man Also what has been received, by whom and how applyed and what land to whome and for what sold—Given under our hands and seals this eighteenth day of June Anno Dni 1702.

J GRANVILLE. Palatine (L S)—CRAVEN (L S.)
J GRANVILLE for Ld CARTERET (L S.)
J COLLETON

[B. P. R. O. B. T. JOURNALS. VOL. 15. P. 109.]

WHITEHALL June 29th 1702

At a Meeting of H. M. Com^{rs} for Trade & Plant^{s}

Present

Lord Visc^{t} Weymouth	Mr Blathwayt
Mr Cecil	Mr Pollexfen
Sir Ph. Meadows.	Mr Prior

* * * *

WHITEHALL July 28th 1702

Mr Archibald Hutcheson attending with Mr Johnson and acquainting the Board that the said Johnson is in present possession of an estate at Keeblesworth in the Bishoprick of Durham worth £200 per annum which Sir Nath. Johnson his father (who was only Tenant for life) has made over to him which he said was known to Mr William Bridges and Mr Overton and therefore he thought the said Johnson might be accepted as one of the sureties for his said father Sir Nathaniel And Mr Johnson offering Mr Thomas Carey a Carolina Merchant for the other They

were acquainted that the security ought to be lodged in the Treasury and that as soon as the form of the Bond was agreed they should have notice of it.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry holden the 30th of June 1702 at the house of Thomas Gilliam

Present:

Col William Wilkinson	Mr Edward Smithwick
Capt Thomas Leuten	Mr Nicholas Crisp
Capt Thomas Blount	Mr Wm Banbury
Wm Duchenfield Esq.	Mr James Long.

Nath[l] Chevin.

In obedience to a late act of Assembly made in March last impowering the Vestry of each precinct to provide a standard for weights & measures and it being debated how the said weights and measures be procured—agreed—

That the Church Wardens shall use their utmost endeavour by the first convenience to send for weights and measure as the law directs.

And agree with some person for that purpose at as cheap a rate as possible and also one fair and large book of common Prayer, and the Book of Homilies.

Ordered that the Church Wardens shall agree with and pay the collector or collectors for collecting the precinct Levies.

And then the meeting broke up.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry held at Thomas Gilliam's Oct. 13th 1702.

Present

The Honble Henderson Walker—President

Col Wm Wilkison	Church Wardens	Mr John Blount
Capt Thomas Leuten		Capt Thomas Blount
Mr Nicholas Crist.		Mr Edward Smithwick
		Mr Wm Banbury.

Whereas at the last Vestry it was ordered that there should be a standard of weights and measures sent for the use of the precinct in obedience to the act of Assembly the charge whereof with the rest of the p^{r}cinct charge being as followeth. Viz^{t}.

	£	sh	d
To building the Chappel to Mr John Porter	25	0	0
To Richard Curton Reader	7	10	0
To the Standard for the precinct.	12	10	0
To clearing an acre of ground, and flooring the house to. Mr Smithwick.	2	10	0
To Nathaniel Chevin acting as Clerk	1	10	0
To the Joiner for Windows. Table forms. & Benches	6	0	0
To Thomas Gilliam for trouble of his house	1	10	0
To the poor of the precinct	8	0	0
To John Tyler for Attendance	0	1	0
To Sallery for collecting at so p^{r} C^{t}——	6	8	0
The total amount.———	70	19	0

The list of Tythables in the precinct being taken is found to be 283 and the sum

Ordered that the church Wardens collect from each Tythable person in the precinct five shillings and Col Wm Wilkinson having undertaken the collection, and the Vestry agreeing thereto

Ordered that Col Wm Wilkinson do collect upon all and every the Tythables within this precinct (a list whereof is delivered to him under the hand of the clerk of the Vestry) five shillings p^{r} pole and for non payment thereof to make distress according to Law, and likewise to pay unto the several persons aforementioned the several sums due to them and allotted by this vestry, and He together with the other Church Wardens do provide and pay for the other things mentioned in the aforesaid Order, and render an account of the same to this Vestry to be holden the last tuesday in April next and finish all the collection.

Let it be remembered that Col William Wilkinson on his own behalf and Mr Nicholas Crisp on behalf of the said Wilkinson do oblige themselves. their Heirs &c. to this Vestry in the penal sum of one hundred pounds Sterling. to collect the aforesaid money. and render a perfect account of the said collection and payment at the Vestry the last tuesday in April next at the house of Mr Thomas Gilliam.

Ordered, that a warrant be directed for the summoning of the several collectors hereafter named to appear at the next meeting of the Vestry at

the House of Mr Thomas Gilliam the 15th of December next to give an account of their severall collections the two last years and accordingly the whole Vestry does pray the Honoble the President to direct his warrant unto William Bush, Francis Perrot. Capt Thomas Blount. Nocholas Symmons, and for the present year last past. Francis Wells, William Early, William Jones, and John Walker.

Ordered—that the Vestry meet tomorrow morning to view the Chappel.

OCTOBER YE: 14.th 1702.

The vestry being met and having viewed the Chappel, the major part of the Vestry do declare their dislike of the ceiling of the Chappel by reason of the Boards being defaced.

Ordered that Mr Edward Smithwick and Mr Nicholas Crisp on behalf of the Vestry do choose one indifferent man that is skilled in building, and Mr John Porter shall choose another. who shall meet at the Chappel the second saturday in November to give their judgment whether the boards be fit for ceiling such a house and if these two persons chosen as aforesaid cannot agree in their opinions, then they shall choose an umpire, and what opinion he the said umpire shall give shall be a full and final determination of the matter about the ceiling and boards, and the agreement between the Church wardens and Mr John Porter shall be thence.

[FROM THE VESTRY BOOK OF ST. PAUL'S PARISH, CHOWAN PRECINCT.]

At a Vestry holden at the House of Mrs Sarah Gillam ye 15th Day of December 1702.

Present

Coll. Wm Wilkinson Capt Thos Leuten	church Wardens	Capt. Thomas Blount Mr William Banbury
Mr Wm Duckenfield Mr Edward Smithwick Mr Nicholas Crisp		Mr Nathl Chevin Mr James Long.

The Several Collectors being summoned to render an account of their Several Collections which being duly examined there is found to be due to the Church Wardens for the use of the Use of the precinct these following Sums of money

	£ s d
In the Hands of Coll. Thomas Pollock	1. 13. 2
In Christopher Butler's Hands	0. 6. 0
In William Earley's Hands	2. 12. 0
In John Walker's Hands	1. 18. 6
	£6. 9. 8

Co[ll] William Wilkinson and Cap[t] Thomas Leuten having Served one Year in the Station of Church Wardens, and the Choice of new Church Wardens being debated:

Mr William Duckenfield and Mr Edward Smithwick are appointed Church Wardens for the ensuing year.

There being found the above said Sums of money due to the precinct, and also the Reader being gone whereby the publick Charge of the precinct is lessened and abated.

Therefore ordered that the Collector collect from every Tythable person in the precinct four shillings per pole.

The Chappel being this Day viewed by all the Vestry here present and are Satisfied therewith and do receive the House and Keys from M[r] John Porter he promising to provide So much Lime as will Wash the Ceiling of the Chappel, and the Vestry to be at the Charge of a Workman to do the Same.

[Records of Perquimans Precinct Court.]

At a Court Houlden at y[e] House that Cap[t] Anthony Dawson Lived At, for y[e] p[r]cinct of Piquimons the Secont Tuesday in Jan being y[e] 13 day Anno $17\frac{01}{702}$

P[r]sent Cap[t] Ralph ffletcher

M[r] ffrancis ffoster Cap[t] Jeames Coles

John Stepney Aturney to John Slocom of Pamleco Acknowledg an Assignement of a Patent to Thomas Norcom Allso I doe oblige my Selfe to give to Thomas Norcom a bond that shal oblidg Jean Slocom y[e] Wife of John Slocom to acknowledg y[e] s[d] Land When Shee coms of Age

James ffisher vars Abraham Hobs

In a Plea of the Case y[e] sd Hobs Reternd Nonestusventus ordered that attachment goe against His Estate

John Anderson Aturney to WILLIAM SMITH of Roade Iland vars BRYANT FFITCHPATRICK

In a plea of debt ye sd Bryant not apearen ordered that ye Shrife bring ye sd Bryant ffitchpatr. to ye next Court

Mager SAMUEL SWANN vars ABRAHAM HOBS

In a plea of debt ye sd Hobs Retornd nonestusventus ordered that attachment goe against His Estate

John ffalconer Aturney to Cor^ll^ ROBART vars THO: HOUGHTON

In a plea of ye Case ye sd Houghton Retorned Nonestusventus ordered that atachment goe Against His Estate

John Porter Asigne of Leftenan Co^ll^ Anthony Lanfo of Princese Ann County Virgenia for ye use of Capt Robart Gibbs of London declares Agains Jeames Coles And Mary His Wife Excecetor of Jacob Peterson decesed In a plea of debt ye sd Porter Not Apearen order that he be Nonsuted and Pay Cost

Thomas Norcom Aturney to JOHN FFALCONER vars ABRAHAM HOBS defendant

In a plea of debt ye sd Hobs Retornd Nonestventus ordered that atachment goe Against His Estate

ordered y^t^ Thomas Bosel be overseer of ye High Wayes from Hartles pinte to ye yousall Place

ordered y^t^ Jeames Oats be overseer of ye High Wayes from Lakers Crick to Jeames Coles pranch.

ordered y^t^ Denes Mackclanden be overseer of ye High Wayes from Suttens Crick to deepe Crick

RALPH FFLETCHER
FFRANCIS FFOSTER
JAMES COLES
SAM^ll^ SWANN JUN^r^

APRIL 1702

At a Court Holden at ye Hous of Capt James Coles ye Second Tuesday In April 1702 for the p^r^cinct of Piquimons

p^r^sent

Capt Ralph ffletcher	M^r^ ffrancis ffoster
Capt James Coles	Mr Samuell Swann
	Mr William Bartlet

Mr Robart ffendall Acknowledged A deed of Sale for Land on ye Sound Side to Mager Samuell Swanu Esquier

Capt^{t} James Coles And Mary His Wife Acknowledged A deed of Sale for Land on ye North Est Side of Piquimons to Hester Perssone for ye yous of Hir two Sons Lewes Alexsander Knite And Emanewell Knite.

Elisabeth Holmes Excecetrix of Edward Holmes Proved His Will by ye Oathes of Peter Gray Sener And Thomas Holmes

Mary Albertson Proved Hir Husbands Will by ye oathes of John ffalconer And Joseph Suton And Nathaniel Nicholson.

Mary ffox Acknowledged An Asignment of A Pattent to Daniel Onele

Daniel Onell Acknowledged A ded of Sale Asigned to William Boge

ordered that William More overseer of y^{e} Highway from J P to ye bridg at y^{e} Head of y^{e} River

Upon A Peti$\bar{c}$on of Peter Albertson Shewen that John Lilly was Indebted Ann Jones that is Now his Wife ordered that James Oats pay to y^{e} Peti$\bar{c}$oner Peter Albertson tenn Shillings and Six pence With Cost

Upon a Peti$\bar{c}$on of Hester Passoon Shewen that Hir Husband Is dead Haven Maide No Will ordered that Hester Passoon Have Adminestration of y^{e} goods And Chattels of Lewes Knite Shee being y^{e} Next of Kin Shee Haven given bond And Security for y^{e} Same

Upon a Peti$\bar{c}$on of William Boge Shewen that John Lilly was In His Life time Indebted to y^{e} Peti$\bar{c}$oner fower Shillings And two pence ordered that James Oats Adminestrator of y^{e} Sd Lilly Estate pay to William Boge fower Shillings And two pence With Cost

Mr Samuell Swann Juner Acknowledg An Asignement of a ded of Sale for Land to Mager Samuell Swann Sener

Thomas Harvey Acknowledge An Assignment of A deed of Sale for Land to Mary Cofen

Richard Skiner vars Janes ffugeet

In a plea of debt for Want of Evedenses y^{e} Sd ffugett Crafes A referance ordered that it be referd to y^{e} Next Cor^{t}

ordered that Peter Jones be Over Seer of y^{e} Road from y^{e} Chowan Bridge to Capt Coles

Upon A peti$\bar{c}$on of Sarah Harris that Shee may Chuse Hir unkel Nathaniel Albertson for Hir Garden ordered that Nathanell Albertson take into his posestion y^{e} Estate of y^{e} Sd Sarah Harris And take An Inventory of y^{e} Estat And Bring to y^{e} next Olfens Court And thar Give bond for Hir Estate

Upon A Peti$\bar{c}$on of Richard Whedby that He Might Chuse M^{r} ffrancis ffoster His Garden ordered y^{t} M^{r} ffrancis ffoster take into His Custodie y^{e} Estate of y^{e} Sd Richard Whedby And An Inventory to take of y^{e}

Sd Estate And bring to y^e^ Next Court held for Orfens And give bond for y^e^ Estate.

Upon A peticon of Georg Sutten and Nathanell Sutten to Chuse thare Garden ordered that Nathanell Nicholson take Care of George Sutten he Haven Chosen Him for his garden And that Joseph Sutten Jnner take Nathanell Sutten Into his Care He Haven Chosen him for his garden.

Upon A Peticon of Debro Whedby that She may Chuse Hir Garden And Shee Chusen of Joseph Sutten Sener

Ordered that ye Sd Sutten take ye Sd Debro Into His Care And Hir Estate Also And An Invetory of Hir Estat to take And bring It to ye Next orfens Cort And give bond for ye Estate

RALPH FFLETCHER
FRANCIS FOSTER
JAMES COLES
SAM^ll^ SWANN JUN^r^
WILLIAM BARCLIFT

July 1702

At a Court Holden At the House of Capt James Coles the Secont tuesday in July 1702 for the p^r^cinct of Piquimons

p^r^sent Capt Ralph ffletcher Judg
M^r^ ffrancis ffoster
Mr William Bartlet

JOHN JONES vars DANIELL ONELES

Y^e^ Sd Onele being Arested Maide His Escape from ye Shrife ye Plaintef Craves An Attachment Against ye Estate of ye Sd Onel ordered that ye Plaintef Have An Atachment As Afore Saide.

JOSEPH SUTTEN SENER vars DENIS MACKLENDEN AND DEBRO HIS WIFE

In a plea of ye Case for the Estate of Debro Whedby given by A ded egift given by Hir ffather John Whedby ye Saide Mackelenden is ordered to deliver ye Sd Estate in Kinde as It was given Ales Excecution.

RALPH FFLETCHER
FRANCIS FOSTER
WILLIAM BARCLIF

At A Court Houlden At the House of Capt James Coles the Secont Tuesday In October 1702 for the p^r^cinct of Piquimons

p^r^sent Capt Ralph ffletcher Judg
M^r^ ffrancis ffoster
Capt James Coles
Mr William Bartlett

Upon A Peticon of Mistris Mary Swann Shewen that Hir Husband Is ded Haven Mad No Will It is ordered that ye Sd Mary Swann Have ye Adm^r^ of ye Goods And Chattels of ye Sd Estate Shee Haven given bond And Security for the Same Mager Samuel Swann Securi

John Jones by His Atturney Thomas Snoden Craves A Reference till ye Next Court upon an Atachment against ye Estate of Daniel Onel

Mary ffisher Proved A Will of James ffisher by William Long And Peter Jones

THOMAS STEVENS vars JULYANA LAKAR

In A Plea of ye Case And ye Sd Stevens And Julyana Lakar by their Aturneyes Thomas Norcom And Thomas Snoden Joynes Isshu ye Court Referd It to ye Jury on thare Oathes Say they find for the Plaintef twelfe Pence With Cost of Sute

Ordered that Julyana Lakar Pay to Thomas Stevens twelfe Pence With Cost of Sute Eles Ex.

Albert Albertson vars Peter Albertson And Nathanel Albertson Execeter of Albert Albertson desesed in a plea of ye Case And they Confesed Judgment for tenn pounds Starling ordered that Peter Albertson And Nathanel Albertson pay to Albert Albertson tenn pound Starling With Cost Ales Exce^o^

RALPH FFLETCHER
FRANCIS FOSTER
WILLIAM BARCLIFT
JAMES COLES.

Nov 1702

At a Court Houlden At the House of Capt James Coles the Secont tusday In November 1702 for ye p^r^cinct of Piquimons p^r^sent Capt Ralph ffleteher

M^r^ ffrancis ffoster Capt James Coles
Mr William Bartlet

Upon A Peticon of Mr Tho: Snoden Aturney to Mr William Glover Shewen that Alexsander Jurden Is ded Haven Maide No Will ordered that ye Sd Mr William Glover Have ye Adm^r^ of the goods And Chattells of the Sd Estate He being ye Greatest Credetor He Haven given bond for ye Same ordered that ye Sd Estate be Apraised John Arnold Tho: Holloway Thomas Bartlet Apraisers of the Sd Estate.

Timothy Clare Proved too Rites for too ℔sons transported into this County Whose Names Are under Wretten John Dixson Elisabeth Jackson.

Thomas Winslo Proved on Write for His ffreedom An Asignd It to Timethy Clar.

Martha Plato Binds Hir daughter Hester Plato to Capt James Coles And Mary His Wife till Shee comes of Age or Married Shee Being now Sixe yeares of Age And At the Expiration of Hir time to Alow to ye Garle According to the Custom of ye Cuntry

M^{r} ffrancis ffoster haven thrown up His Gardener Ship of Richard Whedby ordered that the Sd ffrancis ffoster be Steward of the Sd Richard Whedby And His Estate.

John Jones Haven obtained An Attachment against y^{e} Estate of Daniel Onele In y^{e} Hands of William More And William Bogg And thay finden on pound five Shilling And tenn pens to be due ordered that William More And William Bogg pay to the Sd Jones on pound five Shillings And tenn pence Ales Exce^{r}

Upon A Peti$\bar{c}$on of ffrancis Tomes Juner Shewen that He Has Attended y^{e} Court on Day upon y^{e} Account of John Jones order that John Jones pay to ffrancis Tomes too Shillings & Six pence With Cost

RALPH FFLETCHER
FRANCIS FOSTER
JAMES COLES
WILLIAM BARCLIFT.

[Records of General Court.]

Att a Gen^{ll} Court Holden at ye House of Cap Jno Hecklefield in Little River October 27th 1702

Being p^{r}sent The Hon^{ebl} Samuel Swann Esq The Honble William Glover Esq Jno Hawkins Esq

The Courts Comission is published & by Vertue of a Dedimus ffrom ye Hon^{ebl} President to ye Hon^{ebl} Maj^{r} Samuel Swann & the Hon^{ebl} Wm Glover Esqr do solemnly take ye oaths by law appoynted before ye Hon^{bl} Samuel Swann Esqr And also the Hon^{ebl} Samuell Swann Esq Do Take ye aforesd oaths before Wm Glover Esqr And Mr Jno Hawkins being not ffree———Do Subscribe to the aforesd Oaths

Adjourned till to Morro Morning 9 a Clock

Wednesday morning Oct 28 1702

Court meets p^{r}sent—Ut Supra

Daniel Phillips provs a Lett^{r} of Attor from Samuel Dalys by ye oaths of Mr Jno Jenins & Bartholo Hewitt

The Marshall was Comanded to arrest the body of Capt —— Coles att ye sute of Saml Paine Refferd from Last Court —— and ye plaintiff Came not to prosecute

Ordered that ye Action be Dismist & ye plaintiff pay cost

Rich Ashworth Came to prosecute his sute against J— in a plea of ye Case and Complaines for one Canoo Lent to ye Def^{t} by ye plaintiff which was return spoyld & stavd and the Def^{t} by Mr Thos Snowden his Attorney for the plea saith that the Canoo they did borrow But for Spoyling & staveing ye same ——— have not & thereupon Casts himself upon ye Country & ye plaintiff likewise And the Marshall is Comanded to Cause to Come twelve Lawfull men of the vicinage & —— By whome &c and there came Jno Bird Walter Tanner —— Harris Richard Neat Rich Madren Geo Kinserly James —— Mathew Winn Aughtlin Scarboro: Jer Symonds: Chris M——Bartholomew Hewitt Who Impaneld & Sworne say We find for ye plaintif thirty Shills for ye Canoo & Damage with Costs

Ordered thatt Jno Palmer pay to Rich Ashworth ye sume of thirty Shills for his Canoo & Damage with Costs of Sute alias Execūn.

Wm Duckenfield Esqr Came to prosecute his sute agst Thomas E^{vins} Plea of ye Case for and ye Defend^{t} Came not

Ord that ye Marshall have ye body of Tho Evins att ye next Gen^{ll} Court alias Judgm^{t} against ye Marshall

The Marshall was Comanded to arrest ye body of W—— —— at ye Sute of W^{m} ffrayly in a Plea of ye Case and ye plaintiff Came not to prosecute

Orderd that ye Action be Dismist and ye pl^{t} pay Costs alias Executn

The Court Adjourned for two Hours

12 a Clock Court meets P^{r}sent ut Supra

Daniel Rice came to prosecute his Sute against Augustine Scarborrow in a Plea of ye Case and ye Defend^{t} By Mr Thos Snoden his Attorney for plea saith that ye Plaintiff his Action ought not to have for & that the Action is unduly Entered they Receiveing ye Cop Declaration Som Days before the Arrest which appearing

Orderd that the Action be dismist & ye plaintiff pay Cost alis

Upon ye Petition of Ruth Clark

Ordered that Richard Ashworth pay to ye Petition^{r} Eight Shills and 4^{d} with Costs alias Execun.

Upon ye Petition of Wm Waymouth

Orderd that Richd Ashworth pay to ye Peticon^{r} Eight Shills and foure pence with Costs for his travell & Attendance

Upon ye Petition of Wm Waymouth

Orderd that John Palmer pay to ye peticon^r^ the sum of Eight Shills & four pence for his travell & attendance with Costs of Sute alias Execution

Adjourned till 3 a Clock afternoon

3 a Clock Court meets p^r^sent ut Supra

Nathan^l^ Hall & Hannah his wife Acknowledges conveyance to Geo Jordan

Jno Willowby Acknowledges Conveyance of a tract of Land & plantation to Jno Anderson

Wm Hutchison Provd Rights to 700 Acres of Land by ye Importation Viz Moses Whitaker twice Imported ffrans —— twice Imported Wm Thomas twice Imported Jno —— Tho Cowlisle Jno Gray Jno Oliver Wm Hutchison——times Imported: And Assigned to Nathan^l^ Chevin

Simon Knight provd his Right to 100 acres of Land by Importation of Himself & Eliz Knight

Mr Jos Reading Provd his Rights to 270 Acres of Land by Importation of Edw Dickason

1703.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

April ye 4th 1703.

At a Vestry holden at the House of Mrs. Sarah Gillam—

Present The hono^ble^ Henderson Walker Esqr

Mr. William Duckenfield, Mr. Edwd Smithwick } Church Wardens

Co^ll^ Wm Wilkinson

Capt. Thomas Leuten

Capt. Thomas Blount

Mr. Nicholas Crisp

Mr. Wm Banbury

Nathl Chevin

The Church Wardens &c. having agreed with Co^ll^ Wm Wilkinson for the Sending for a Standard of weights and Measures for the precinct and he having received the same from Boston comes and produces an account

of the Same from under the Hand of Mr. William Welstead Merch^{t} of Boston as followeth vizt

	£	sh^{ll}	d
5½ C^{ts} one Q^{r} C^{t} one 14^{lb} at 20^{sh} ℔ C^{t}—	2:	17:	6
One Brass Yard 25 sh^{ll} One Iron Do at 2 sh^{ll}—	1:	7:	0
Three Brass Weights Viz^{t} 4 C 2 &c.—	0:	14:	0
One pair Brass Scales—	0:	16:	0
One Wine Gallon pewter pot—	0:	18:	0
One pottle and one Quart Do.—	0:	15:	0
One ½ Bushel and one peck—	0:	5:	0
Paid the Town Sealer for Sealing the Weights &c—	0:	3:	8
Paid Porterage to the Vessel—	0:	1:	0
First Cost—	£7:	17:	2

Ordered that Co^{ll} William Wilkinson deliver to Mr Edward Smithwick the aforesaid Weights and Measures who is impowered to keep the Same by act of Assembly &c and that Mr. Edward Smithwick give a Receit for the Same.

Whereas Robert Wilson who was kept by William Brethell for the Space of 2 or 3 months upon the Precinct Charge, and is dead and Co^{ll} Wilkinson declaring that he has paid unto the Said Brethell for the care and keeping of the Said Willson the Sum of eight pounds, which was the full Consideration for one whole year.

Ordered that William Brethell shall reimburse Co^{ll} William Wilkinson the aforesaid Eight pounds except So much as he shall make appear to have disburst for his Burial and the time he kept Him—

It being debated for a Reader to be agreed with to read divine Service

It is agreed that the Church Wardens shall make Choice of a Reader who shall remain until the next Vestry and if approved of by the Vestry shall remain and if not shall be paid for his time and discharged.

Information being made by Capt Thomas Blount that Elinor Adams by of Infirmity and Indigence is in great Danger of being lost for want of Assistance.

The Same being taken into Consideration—

Ordered that Captt. Thomas Blount treat with Doc^{r} Godfrey Spruill in order to her Cure and that Doctor Godfrey Spruil be paid for his physick and Care by the Church Wardens five pounds, and Capt. Thomas Blount is requested by Vestry to endeavour to oblige the Said Elenor to Serve the Doctor for the use of his House and nursing.

There being three Church Bibles intended for this Country one whereof belongs to this precinct and the Same being Sent for to Williamsburgh by William Jones.

Ordered that the Church Wardens pay one third of the Charge for fetching in the Said Bibles.

There being want of Some Letters for the Stamping the Weights and Measures for the Standard. and Capt. Thomas Blount undertakes to make a Small Letter C for Stamping the Styllyards and potts and Weights &c and Larger C for the half Bushell and peck.

[B. P. R. O. B. T. VIRGINIA. VOL. 56.—EXTRACTS.]

MINUTES OF THE COUNCIL OF VIRGINIA

At a Council held at the City of Williamsburgh 24 April 1703

Present

His Excellency

Wm. Byrd, Aud^{r}	Robt Carter	} Esq^{res}
Edm. Jening, Sec^{ry}	James Blair	
John Lightfoot	Philip Ludwell	
Matthew Page	Wm. Bassett.	

Henry Duke

* * * *

Upon reading a letter from Henderson Walker Esq. President of the Province of North Carolina complaining that the Maherine Indians do daily commit great injuries to the inhabitants of that Province by destroying their stocks and burning their timber and houses refusing to pay tribute or render obedience to the Government upon pretence that they are tributary to this Her Maj. Colony and Dominion also their living is amongst the inhabitants of the Province of North Carolina. It is the opinion of the Honble Council that it doth not appear that the Maherine Indians live within the bounds of the Province of Carolina but that the said Indians have always been reputed Tributary and have accordingly paid tribute to this Government as living under the same And therefore the Province of North Carolina hath no pretence of demanding tribute of them but if any injuries or outrages have been or shall be committed by the said Indians to the inhabitants of North Carolina upon due proof thereof made His Excellency & the Honble Council will take suitable measures for punishing the said Indians and giving all reasonable satisfaction to the inhabitants of the said Province of North Carolina therein.

* * * *

[From Vestry Book St. Paul's Parish, Chowan Precinct.]

At a Vestry holden at the Chappell ye 6th Day of October 1703.
Present
The Honoble Henderson Walker Esqr
Mr. Wm Duckenfield } Church Wardens
Mr. Edward Smithwick }
Coll Wm Wilkinson
Capt. Thos Blount
Capt Thomas Leuten
Mr. John Blount
Mr. Nicholas Crisp
Mr. Wm Banbury
Nathl Chevin
In pursuance of a former Order

Ordered that the Church Wardens shall immediately account with William Brethell for eight pounds paid him by Coll Wm Wilkinson and if he shall refuse to deliver and pay the Same, that they Commence an Action agt Him for the Recovery thereof.

Ordered that the Church Wardens shall with all possible Speed have the Windows of the Chappell finished—and that Glass may be Sent for or purchased here if possible.

[From N. C. Letter Book of S. P. G. 21st Oct. 1703.]

HENDERSON WALKER TO THE BISHOP OF LONDON.

North Carolina, 21*st October*, 1703.

May it please your Lordship:—

The great and pious designs of your lordship toward these American parts, for the propagation of the Christian Church, of which you are so pious and good a pillar, emboldens me to lay before your lordship the present state of North Carolina, as to their Christian well-being; and I was the more encouraged to do it by reason that our lords proprietors were pleased to write to us concerning Mr. Bray, your lordship's commissary, coming to visit us.

My lord, we have been settled near this fifty years in this place, and I may justly say most part of twenty-one years, on my own knowledge,

without priest or altar, and before that time, according to all that appears to me, much worse. George Fox, some years ago, came into these parts, and, by strange infatuations, did infuse the Quakers' principles into some small number of the people; which did and hath continued to grow ever since very numerous, by reason of their yearly sending in men to encourage and exhort them to their wicked principles; and here was none to dispute nor to oppose them in carrying on their pernicious principles for many years, till God, of his infinite goodness, was pleased to inspire the Rev. Dr. Bray, some time about four years ago, to send in some books of his own particular pious gift, of the explanation of the Church catechism, with some other small books, to be disposed of and lent as we thought fit, did, in some measure, put a stop to their growth; and about a year after, did send to us a library of books for the benefit of this place, given by the honorable the Corporation for the Establishing the Christian Religion, by one Mr. Daniel Brett, a minister appointed for this place. He for about half a year behaved himself in a modest manner, but after that, in a most horrid manner, broke out in such an extravagant course that I am ashamed to express his carriage, it being in so high a nature. It hath been a great trouble and grief to us who have a great veneration for the Church, that the first minister who was sent to us should prove so ill as to give the dissenters so much occasion to charge us with him. My lord, I humbly beg you to believe that we do not think that the Rev. Dr. Bray knew anything of the life and conversation of the man. We did, about this time two years, with a great deal of care and management, get an Assembly, and we passed an act for building of churches and establishing a maintenance for a minister amongst us; and in pursuance thereto we have built one church, and there are two more a going forward; and his excellency, Francis Nicholson, Esq., governor of Virginia, was pleased, of his pious goodness, to give us £10 to each church, and we sent copies of that act of Assembly to our lords proprietors to get the same ratified, and likewise a copy to Dr. Bray, to entreat his favor with them to obtain a ratification, which we are in hopes to obtain this shipping; but they not being come, we are in a great loss. My lord, I humbly beg leave to inform you, that we have an Assembly to sit the 3d November next, and there is above one half of the burgesses that are chosen are Quakers, and have declared their designs of making void the act for establishing the Church; if your lordship, out of your good and pious care for us, doth not put a stop to their growth, we shall the most part, especially the children born here, become heathens. I humbly entreat your lordship to send some worthy, good man amongst us to regain the

flock, and so perfect us in our duty to God, and establish us by his doctrine, life, and conversation in the fundamentals of our Christian profession, that we in our time, and those as come hereafter, may bless God that he has raised up so noble a pillar as your lordship to regain those who are going astray, and put a stop to the pernicious, growing principles of the Quakers.

Your lordship may see the copy of our act by Dr. Bray, and I humbly beg your lordship's pardon for giving you this trouble, and take leave to subscribe myself, my lord,

Your most humble and obedient servant,

HENDERSON WALKER.

[Records of Perquimans Precinct Court.]

Jan 1703

At a Court Houlden At the House of Capt James Coles The Secont tuesday In Janewar for the p^{r}cinct of Piquimons

P^{r}sent

Capt Ralph ffletcher Judg

M^{r} ffrancis ffoster James Coles

Mr William Bartclift

Mr Robart ffendall Atorney to Patrick Kenedy Acknowledged An Assignment of a Pattent to Mr Thomas Snoden Aturney to John ffalconer Aturney to James ffugeett.

Mr Peter Godfrey Proved An Account Against Peter Gray for too Pound fower Shilling And fower Pence Halfe Peney

Att a Courte held att the house of Capt James Cole the Second Tuesday of January 170$\frac{2}{3}$ being for the p^{r}cint of Pequimons

P^{r}sent Capt Ralph ffletcher Judge

M^{r} ffrancis fforster Cap^{tt} James Cole

and Mr Wm Bartlett

and Cap^{tt} Jno Stepney

Pr Godfrey produces a Comiss to be clerk of the s^{d} p^{r}cinct Court and is admitted

Richard Woollard acknowledges a p^{l} of Land to Thomas Hares his heirs and assigns forever.

ffrancis Beasley acknowledges a p^{l} of Land to Thom^{s} Grey Ordered that ffrancis Beasley be made Surveyour of the High Ways—and Impowered thereunto

Cap^{tt} Jno Stepney is Sworne Commiss^{r} for the peace.

Mg^{r} Samuell Swann proves himself the Lawfull Attorney of Mr Jno Taylors by ye Subscripcon of ffrancis Toms Ju^{r}

Ralph ffletcher
ffrancis ffoster
James Coles
John Stepney
William Barclift

A Record of Pr Godfreys Commi^{s} to be Clerke of the p^{r}cinct Court of Pequimins proved ye 12th of Jany last

Forasmuch as Capt John Stepney late Clerke of the Court of Pequimins p^{r}cinct is added to ye Com^{iss} of the peace for the Same p^{r}cinct therefore out of the certaine knowledge I have of the ability & Integrity of Pr Godfrey Gen^{t} I do hereby appoint authorize and Impower him ye s^{d} Pr Godfrey Gent to be clerke of the afores^{d} P^{r}cinct Court and I do by these p^{r}sents authorize and Impower the s^{d} Pr Godfrey to aske demand take & receive all legall & Just ffees profitts and Emolum^{ts} w^{t}soever to the s^{d} place or office belonging or any wise Aperteyning and allso to take into his Custody possession and Care all and Singular the records papers and writings belonging unto the s^{d} p^{r}cinct Court hereby revoking and making void any former Commi^{ss} for the s^{d} office this Comi^{si} to continue in force dureing my pleasure In testimony whereof I have hereunto putt my hand and Seale this 6th day of January 170$\frac{2}{3}$

Sam^{ll} Swanne Secretary [Seale]

A true Coppy of the Commi^{si} for the Peace.

North Carolina ss:

Jno Earle of Bath Palatine and the rest of the true and absolute Lords proprietors of all Carolina Greeting

To our trusty and well beloved Cap^{tt} Ralph ffletcher Jno Barrow ffrancis ffoster Cap^{tt} James Cole Cap^{tt} Jno Stepney and Wm Bartlett Gent. being well assured of your Loyalty prudence & Integrity do hereby assigne and appoint you Justices of the Peace for the p^{r}cinct of Pequimins in the County of Albemarle Joyntly and Severally to keepe or Cause to be kept her Maties peace wthin the said P^{r}cinct as allso to keepe or Cause to be kept all laws and Statutes made for the good governm^{t} of this Country and you or any three of you whereof one of you Ralph ffletcher, Jno Barrow, ffrancis ffoster shall be one shall hold and keepe a Court for your said p^{r}cinct Seaven times every yeare viz the 2^{d} Tuesday in the monthes of October, November, December January ffebruary March and August there to try by a Jury of twelve true & Law-

full men all Petty larcenies all unlawfull riotts and routes that shall committed w^th^in your p^r^cinct and Judgem^t^ theron to give to such paines and Penalties as by law is provided and allso do heare and determine all p̄sonall actions not exceeding the Summe of fifty pounds that shall bye Lawfull processe be brought before you and allso once every yeare viz the 2^d^ Tuesday in the month of August you shall hold a Court for the tryall of all Causes perteyning to Orphans and their Estates wth full power to award processe heare and determine all and every matter cause and things for the disposall & reliefe of orphans and Secureing their Estate w^th^in your p^r^cinct that shall be by Informacon plaint or any other ways or meanes be brought before you and a record thereof you shall cause to be kept of all ye orphans in your p^r^cinct their Guardians the vallue of their Estates and what Security is given for the same wch you shall cause to be altered & renewed as often as you shall find necessary.

This Comiss to continue during our pleasure. Given under our hands and Seales of our Collony the 30th of July 1702 in the first yeare of her Maties reigne

Wittness our trusty and well beloved Hend^r^son Walker Esqr p^r^sid^t^ of our Councell & Comand^r^ in Chiefe of our said province and ye rest of our trusty and well beloved Counsellours of State who have hereunto Sett their hands

This Commiss was truely and faithfully recorded Jany the 16th 170⅔

HENDERSON WALKER
SAM^ll^ SWANNE
FFRANCIS TOMS
Wm GLOVER

FEBRUARY 1703

Att a Court held at the house of Cap^tt^ James Cole the 2^d^ Tuesday in February for the p^r^cinct of Pequimins being ye 9th day

Present Capt Ralph Fletcher
M^r^ ffrancis ffoster
Cap^tt^ James Cole
Cap^tt^ Jno Stepney
} Esq^rs^ Justices of the Peace

Hannah Snellen widd & relict of Izraell Snellen dec^d^ proves & acknowledges one Deed of gift to her Chelldren desiring ye Same to be recorded ordered that it be recorded

Coll Wm Wilkinson comes by his Attorney Thom^s^ Snoden to prosecute his Suite ag^t^ Thom^s^ Stevens who being returned non est Inventus, the plant. produces his bill and prays an attachm^t^ and is refused—but praying an order ag^t^ ye Marshall tis granted.

ordered that the Marshall bring ye body of the sd Thom^s^ Stevens to ye next Courte als Judgem^t^ to be confirmed ag^t^ the Marshall

James Oats comes to prosecute his Suite ag^{t} Jno Morgan the s^{d} Jno Morgan appearing, Confesses Judgem^{t}

Ordered that Jno Morgan pay unto James Oates nine & thirty shill wth Cost of Suite als excecution.

Coll Wm Wilkinson by his Attorney Mr Thom^{s} Snoden comes to prosecute his Suite against David aires in an aetion of D^{t} and agrees

Mr Jno Haeklefield comes by his Attorney Mr Thom^{s} Snoden to proseeute his Suite ag^{t} Jno Willis. The S^{d} Jno Willis being returned non est Inventus

W$\overline{m}$ JnoSon comes to prosecute his Suite ag^{t} M^{r} Jno ffaulkner The S^{d} Jno ffaulkner not appeareing the Plan^{t} prays an ord^{rs} ag^{t} the Marshall

Ordered that the Marshall bring the body of the said Jno ffalkner to y^{s} next Court als Jndgem^{t} to be Confirm'd

Sam^{ll} Charles as Constable Informes ag^{t} one Jeane Rich^{ds} a late Servt to Mr Jno Hacklefield that the said Jeane is lately delivered of a bastard child wthin this p^{r}cinct and being thereby guilty of the breach of the penall Laws ordered that the S^{d} Jeane be Summon's at y^{s} next Courte held for the p^{r}einct of Pequimins to answer to such things may be aleadged ag^{t} her

Ordered that Thomas Harvey be overseer of the High ways for the year Insuing from Suttons Creeke to Deep Creeke and Impowered thereunto

Upon a Petition of Mary Coffen Widd

The S^{d} Mary proves three rights being for the transportation of ffrancis and Mary Coffen and Jno Thursten and Assignes them to her Sonne in Law Richd Rose.

Upon a petition of Mary ffisher widd & relict of James ffisher lately de$\overline{c}$d she request & prays ord^{r} of Administration on the Estate of the S^{d} James ffisher ffer that the said Mary haveing Sometime Sinee proved a will of the S^{d} James ffisher wch Said will being found Insufficient and noe Execut^{r} named the will is hereby made void and it is hereby ordered that the Said Mary may administer on the S^{d} Estate and have a power of Administration granted for that purpose.

Ordered that Cap^{tt} Jno Stepney, James Ward and Stephen Swain & Xpher Butler do appraise the Estate of the said James ffisher and bring and produce a true Inventory the Courte of the Same ag^{t} August Courte next The S^{d} Mary ffisher giveing bond & good Security in that Case as the Law directs.

Sarah Harris on a Petition requests that her Grand Mother Mary Allbertson may be her guardian, Natt Allbertson & hereby relinquishing his power of Guardianshipp.

And the said Mary Allbertson accepts of the Choice and is hereby Confirmed guardian over the Said Sarah Harris and making Oath to an Inventory of the S^{d} Estate of the S^{d} Sarah Harris ordered the Same to be recorded.

Richd Rose Proves one Right to 50 acres of Land by transportation of himselfe

Mary ffisher gives bond as Adm^{s} of her late husband James ffisher to save the Court harmeless by her Securities Capt James Cole & Xpher Butler

Mary Allbertson guardian to Sarah Harris gives bond & Security by Eza Allbertson & Dennis Mackclendon for the s^{d} orphans Estate & to save the Court harmelesse

RALPH FFLETCHER
FRANCIS FOSTER
JAMES COLES
JOHN STEPNEY.

Att a Court held at the house of Cap^{tt} James Cole the 9th day of March being the 2^{d} Tuesday thereof for the p^{r}cinct of Pequimins p^{r}sent

Cap^{tt} Ralph ffletcher
ffrancis fforster
Cap^{tt} James Cole
Cap^{tt} Jno Stepney
Wm Bartlett
} Esq^{rs} Justices the Peace

William Turner and Amy his wife makes over a patt^{nt} and all the Land therein conteyned unto James Newby and acknowledges the same in Court.

James Newby and Sarah his wife acknowledges a pattent and all ye land and appurtenances therein conteyned unto James fforster his heirs and assignes for ever.

Upon a petition of Gabriell Newby for two orphants left him by Mary Hancock the late wife of Thom^{s} Hancocke and proveing the same by the oathes of Eliz. Steuward and her daughter the Court doe agree to bind them unto him he Ingaging & promising before the Courte to doe his endeavour to learne the boy the trade of a wheelwright and likewise give him at the expiration of his time one ear old heifer and to ye girle at her freedome one Cow and Calfe besides the Custome of the Country and has promised at ye next orphans Court to Signe Indentures for that effect.

Jno Hopkins and Sarah his wife acknowledges a tract of land unto Jno Hare Junr his heires and Assignes for ever

Isaack Wilson and Anne his wife seales and delivers a bill of Sale for land unto Ralph Boseman and acknowledges ye same in Court and ordered to be recorded.

Eza. Albertson is Sworne Constable from the hithermost part of Litle river to the lower side of Suttons Creeke

W̄m Jn°Son comes to prosecute his ag^t^ M^r^ Jn° ffaukner and agrees.

Jn° Anderson come to prosecute his suite ag^t^ Richd Bayliffe in a plea of the case and agrees.

David Aires not coming to prosecute his Suite ag^t^ Brient Fitzpatrick ordered that it be dismist

M^r^ Jn° ffaukner Comes to prosecute his Suite ag^t^ W̄m Jn°Son and agrees.

M^r^ Jn° ffalconer comes to prosecute his Suite ag^t^ Jn° Jennett the sayd Jn° Jennett not appearing ordered that the Marshall bring the body of the s^d^ Jn° Jennett to ye next Court to answer the Comp^lt^ of the said Jn° ffaulkner a^ls^ Judgem^t^ to be confirmed ag^t^ the Marshall

Ordered that the Marshall have an Attachm^t^ ag^t^ the State of Jn° Jennett Sufficient to Indemnifie the said Marshall from all damages & charges y^t^ may arise through an order passed against him for the nonappearance of the said Jn° Jennett.

M^r^ Jn° Porter comes to prosecute his Suite ag^t^ Jn° Jennett in an action of the Case and by his Subscription proves that Jn° Jennett is Indebted to him two pounds one Shill and Eleaven pence and prays an order ag^t^ the Marshall.

Ordered that the Marshall bring the body of Jn° Jennett to courte to answer the Compl^t^ of M^r^ Jn° Porter a^ls^ Judgem^t^ to be confirmed ag^t^ the Marshall.

Ordered that the Marshall attach so much of the goods of Jn° Jennett as will Indemnifie and Save harmelesse the s^d^ Marshall from all damages y^t^ may accrue by virtue of an order passed ag^t^ y^t^ Marshall at the request of M^r^ Jn° Porter.

Pr Grey acknowledges a deed of Sale for land unto Pr Godfrey his heires and assignes for ever ordered y^t^ the Same be recorded

Mary Coffin acknowledges a conveyance for land unto James Anderson his heires and assignes for ever ordered that the same be recorded.

Upon a Petition of Eliz: Thiggpen makeing it appear by her Subscription that her husband James Thiggpen & herselfe attended the Court one day in behalf of Juliana Lakers and the s^d^ Juliana Lakers refusing to pay them according to Law ordered that Juliana Lakers pay unto James Thiggpen the Summe of five shills wth Cost a^ls^ Execution.

Upon a petition of Jeane Stevens Shewing to the Court that Pr Grey did formerly attach Sundry goods in the hands of Jno Bennett viz two weeding hoes one hilling hoe one falling ax one Tomahauk one three gallon roundlett and three bushells of Corne

Ordered that Jno Bennett deliver unto Thomas Stevens the abovementioned ℔ticulars wth Cost a^ls^ Execution She haveing taken oath they are justly due unto her.

Upon a Petition of Jeane Richards declareing herselfe to be a late Servt of Mr Jno Hacklefield and being now free humbly prays Corne & Cloathes as usuall She taking oath that tis Justly due unto her.

Ordered that Mr Jno Hacklefield pay unto Jeane Rich^ds^ his late Servt Corne and Cloathes according as the Law in that Case provides wth Cost a^ls^ execution.

Whereas upon an Information of Sam^ll^ Charles ag^t^ Jeane Rich^ds^ haveing a bastard child the said Jeane Richards appearing takes oath that Larence Arnold is the only father to her said Child Ordered that the said Jeane Richards receive twenty one stripes according as the act of Assembly in that case hath provided

Whereas Garrett Pursell and Wm Daviss makeing their appearance according to a Summons issued out by Cap^tt^ James Cole on suspition of dishonest ℔sons the said Garrett Pursell and Wm Davisse takes oath that the man that came in with them and parted from them Archibald Homes house was one named Jno Pettivour.

RALPH FFLETCHER
FRANCIS FOSTER
JAMES COLES
JOHN STEPNEY
WILLIAM BARCLIFT.

JULY 1703

Att a Court held att the house of Cap^tt^ James Coles the 13th day of July 1703 for the p^r^cinct of Pequimins p^r^sent

Cap^tt^ Ralph ffletcher
M^r^ ffrancis fforster
Cap^tt^ James Coles
Cap^tt^ Jno Stepney
} Esqr Justices of her Ma^tiss^ peace.

Richard Burthenshall being Attorney for his wife priscilla wth himselfe acknowledges a tract of Land unto Jno Yatts and his Assignes ordered the same be recorded

Arthur Carelton by a Petition prays administration on the Estate of Thomas Cuttlett as nearest of kinne by marriage of his Mother and is denyed.

Anne Jukeson widd & relict of Robert Jukeson lately decd by a Petition prays an order for proveing a verball will of the said Robert Jukeson by the Evidences of Jn° Long Jn° Stacy & Margery White who being Sworne & Examined averr that the said Robert Jukeson on his death bedd was in ℔fect Sence & memory & did then give & bequeath his reall & ℔sonall Estate unto the Said Anne his wife—making her only and Sole executrix wch Said Will is allowed to be good and Authenticke.

Mary ffisher widd & relict of James ffisher dec^d^ produces an Inventory of Appraisem^t^ of the Estate of the said James ffisher attesting the same to be full & Just acc^t^ except some things excepted in the said Inventory. The said Mary ffisher likewise produces an acc^t^ of seaventeene pounds and thirteene shill disbursem^ts^ out of ye Estate of the said James ffisher attesting the same to be payd or legally due.

Anthony Alexander and Anne his Wifes acknowledge a pcell of land unto Thom^s^ Evins and his assignes desiring the same may be recorded.

Richard Davenport acknowledges a pcell of land unto Jn° Davenport praying the same may be recorded.

Jn° Davenport acknowledges a peell of land unto Richd Davenport his father dureing life and prays the same to be recorded.

James ffoster by a Petition requests leave to prove five rights (viz^l^) two for himselfe Hannah fforster Sam^ll^ Wright & Mary White and is granted

Garrett Pursell proves an acc^t^ of three pounds and Six pence ag^t^ M^r^ Jn° Pettivour and haveing had an attachm^t^ ag^t^ the estate of the said Jn° Pettiver & a Mare & Colt being attached Ordered that Thomas Norcum Caleb Calloway appraise the said Mare & Colt and pay unto the Sayd Garrett Pursell his said debt of three pounds and Six pence wth Cost and the overplush to returne to the said Jn° Pettiver if any be.

Upon a Petition of Jn° West brother in Law to the Orphants of Lewis Alexander & Ester Knight praying for two Orphants (viz^l^) Lewis Alexander & Emanuell Knight ordered that the said Jn° West take the said orphants into his Care and Custody wth all their Estates & portions belonging to them the Plantation excepted The Said Jn° West giveing Sufficient Security for the Said Estates and the plantation to remaine in the hands of Edward and Dan^ll^ Pysong for the terme of five yeares from hence to come they keeping the Same in good repare & at end of the terme delivering it up unto the said Jn° West tenantable & in good repaire & provided the said Edward and Dan^ll^ Pysong shall leave the partes before the expiration of the said terme the said Edward & Dan^ll^ Shall before such departure deliver up the Plantation as aforesaid.

Wm̄ Hall and Wm̄ Padderton Comes to prosecute their Suite ag^{t} Mrs Juliana Lakers The said Juliana Lakers not appearing an ord^{r} is prayed ag^{t} the Marshall

Ordered the Marshall bring the body of the said Juliana Lakers to the next Court als Judem^{t} to be confirmed.

Ordered that Joshua Calloway be overseer of the high ways in the roome of Jno Wyatt.

and Wm̄ Long in the place of Peter Jenet.

Cap^{tt} Cole proves himselfe the lawfull Attorney of Mr Walter Craddock—by the Oathes of Henery Spring & Mary Coles

RALPH FFLETCHER
FRANCIS FOSTER
JAMES COLES
JOHN STEPNEY

PEQUIMINS—ss Att a Court held for the p^{r}cinct of pequimins the Second Tuesday in October att ye House of Capt James Coles Octob^{r} 12th 1703

The Courts Comission being published and the usuall oaths of Justices being taken the Court Sat.

p^{r}sent

The Worp^{ll} Ralph Fletcher
The Worp^{ll} Francis Foster
The Worp^{ll} James Coles
The Worp^{ll} Wm Bartlett
The Worp^{ll} John Stepney
} Esqr

Mrs Joanna Tayler proves the Last & Will & Testam^{t} of Mr Wm Boyce by the Oaths of Mr Peter Godfrey & Elizabeth Stewart and that the Executrix have A probatt thereof Ordered that Mrs Joanna Tayler present an Inventory of the Sd Mr Boyces Estate to the next Court and that Mr James Coles Mr John Stepney & Mr Caleb Calleway be appointed to appraise the same.

Upon petition of John Hare

Ordered that the petition^{r} as nighest of kin to his dec̄ed Father have Letters of Administrac̄on granted.

The Marshall was required to arrest the body of M^{ris} Juliana Lakars to answer ye Comp^{t} of Wm Hall & Wm Tadderton in a plea of the Case for that the Def^{t} Stands indebted to the pr^{ts} the Sume of five & twenty Shillings agreed to be p^{d} in the hands of Mr Wm Boyce And for plea the deft. putts the p^{lt} to the proof of his declarac̄on And putts herselfe upon the Country & the plts likewise and the Marshall is required to cause to come twelve true & lawfull men to whom neither party is allyed By

whom the Matter may be found &c And there came Mr Peter Godfrey Mr James Morgan Mr John Hopkins Mr Peter Jones Mr John Wyatt Mr Samuel Herst Mr John Bennett Mr John Hare Mr Richard Skinner Mr Abraham Warren Mr Nicholas Fillbert & Mr John Foster who Impannell'd & Sworn Say wee find for the Plts according to Evidence Order'd that the Deft pay to the plts the sume of £1 5s alias Execucon.

Ordered that Abraham Warren be appointed overseer of the High Wayes from Duttons Creeke to Deep Creek in the Room of Thomas Harvey

Ordered that John Bateman be appointed overseer of the High Wayes from Hartleys Point to the usuall place in the Room of Thomas Boswell

Thomas Speight proves Rights for 350 acres of Land by the Importacon of Mary Speight Sen Ditto Jun John Hetterter Mary Fitt Garratt Elizabeth Do Negro Hannah & himselfe.

Thomas Dorton proves his Rights to 150 acres of Land by the Importacon of himselfe Thomas Davis & Anne Davis.

The Marshall was required to arrest the body of Richd Davenport to answer the compl^t of Thomas Clarke in a plea of covent for that the Deb^t hath not performed his covenant in building of a barn and for plea the Def^t by Thomas Norkam his attorney demurrs in Law & putts the pl^t to the proof of his Declaracon and putts himself upon the Country and the p^lt likewise and the Marshall is Comanded to cause to come twelve true and lawfull men to whom neither parties are allyed by whom the matter may be found &c. and there came Mr Peter Godfrey Mr James Morgan Mr John Hopkins Mr peter Jones Mr John Wyatt Mr Samuel Herst Mr John Bennett Mr John Hare Mr Richard Skinner Mr Abraham Warren Mr Nicholas Filbert & Mr John Foster who Impaneld & Sworne say wee find for the p^lt Seven pounds & Six Shillings with Costs.

Ordered that the Def^t pay to the p^lt Seven pounds & Six Shillings with Costs alias Excecucon.

Upon peticon of Wm Lacy

Ordered that L^res of administracon be granted to the petitionr upon the Estate of Nicholas Johnson deced

Ordered that Richard Davenport pay unto Margery White for her going and coming & attendance att this Court as an Evidence in a matter depending between the s^d Richard Devenport & Thomas Clark the Sume of 2^s 6^d with cost alias Excecucon.

WILLIAM BARCLIFT
JOHN STEPNEY

RALPH FFLETCHER
FRANCIS FOSTER
JAMES COLES

[Records of General Court.]

Att a Gen^{ell} Court Holden at ye House of Col^{o} Jno Heclefield March y^{e} 29th 1703 Being p^{r}sent The Ho^{ble} W$\bar{m}$ Glover Thos. Symonds Rich Plator William Collins Esq^{rs}

The Courts Comission being Published Mr Rich Plator & Mr William Collins do solemnly take y^{e} oaths by Law appoynt^{d} before y^{e} Honble president.

Mary Books acknowledges a Conveyance of a tract of Land & Plantac̄n to Robt Hosea

A Lett^{r} of Attorney from Capt Jno Hecklefield to Daniell Phillips was acknowledged ℔ y^{e} Constituent And then y^{e} Court Adjourned till to Morrow Morning 7 a Clock.

Wednsday ye 30th of March 1703 y^{e} Court Meets Psent The Honble Maj^{r} Saml Swann W$\bar{m}$ Glovr Tho Simons Rich Plator W$\bar{m}$ Collins Esq^{rs}

Mr Jno Porter & Mr Rich Plator do mutoually agree upon an Issue in an action of Debt and y^{e} matter being ffully Debated

Ordered that Mr Rich Plator pay to Mr Jno Porter y^{e} sum of five pounds In Pork With Costs alias Execu^{n}

Mr Jno Porter attor of James Jones Comes to prosecute his sute against Henry Slade and y^{e} Defend^{t} Came Nott

Ordered that y^{e} Marshall have y^{e} body of Henry Slade att y^{e} next Court holden for this province y^{e} Last Tusday in July next alias Judgm^{t} to go ag^{et} y^{e} Marshall

Jno Bird Comes by Thomas Snoden his Attorney to prosecute his sute agst W$\bar{m}$ Reed In a Plea of Debt & y^{e} s^{d} Reed comes and prayes a refferrence till next Court And Shewing Sufficient Reasons for y^{e} same.

Ordered that y^{e} action be Refferr^{d} to y^{e} first day of the next Gen^{ll} Court

Mr Jno Bird Comes by Thomas Snoden his Attorney to prosecute his sute against W$\bar{m}$ Reed In a Plea of y^{e} Case & says y^{t} y^{e} sd Reed stands indebted to y^{e} pl^{t} in y^{e} sum of 2. 14. 6 ℔ acc^{o} and y^{e} s^{d} Reed Comes & provs paym^{t} made by y^{e} Subscription of Augustine Scarborrow. Orderd that y^{e} Sute be dismist & y^{e} Plaintiff pay Costs

Mathew Winn Comes by Thos Snoden his Attorney to prosecute his sute against Mr Jno Jenins in a Plea of Defamation and ye Defend^{t} comes & pleads Justification and prays a Refference till ye Next Court

Orderd that ye action be Refferd to ye first day of ye Next Gen^{ell} Court.

The Marshall was Comanded to arrest ye body of Roger Monteague Extor of ye Last Will & Testam^t^ of Rich Collins Dec^d^ and ye Mr Ardern plaintif Came nott to prosecute and ye Def^t^ prays a Nonsute att ye Sute of Mr Jno Ardern

Ord that a Nonsute be granted to ye Defend^t^

Mr Jno Porter Comes to prosecute his sute agst Nich Hilbert and declares for ye sum of 8 : 10 : 4 in Pork & ye Defend^t^ Comes & Confesses

Ordered that Nich Hilbert pay to Mr Jno Porter ye sum of 8 10 4 In fresh pork with Costs of Sute alias Execun

Colonell Wm Wilkison Attorney of Mr Huggendeclin of New York comes to prosecute his Sute agst ffra Delemaine & An his wife and ye Defend^t^ Came Not

Ordered that ye Marshall have ye body of ffra Delemaine & Ann his wife att ye first day of ye Next Gen^ll^ Court alias Judgm^t^ to be Confirmed ag^st^ ye Marshall

Mathew Winn Comes ℔ Tho Snoden his attorney to prosecute his Sute against Jno Jenins in a Plea of Defamati and ye Deft prays a Refferrence till Next Court which is granted.

Upon ye Petition of James Tooke

Ordered that Administran of ye Estate of Jno Took Deced be Comitted to ye petic̄on^r^ and that Capt Jeremiah Goodridg Capt Nick Jones & Mr James Bridgham apraise ye same being first Sworne by ye Honble Saml Swann Esqr

A Lett^r^ of Attorney from Ralph Chapman to Tho Boyd was proved ℔ oath Wm Glovr Esqr

Capt John Hunt acknowledges a sale of a Plantation to Thos Boyd attor of Ralph Chapman and Eliz his Wife Relinquishes all her title of Dower to ye Same

Mr Christopher Gale brings an acc^o^ ag^st^ ye Estate of Jno Harvey Esqr and Coll Wm Wilkison Extor of Jno Harvey Esq being present saith not

Ordered that Coll Wm Wilkison pay to Mr Chris Gale as he being Executor to Jno Harvey y^t^ Sum 3 19 11 wth Costs

A Will of Saml Pricklove was provd by ye Oath of ffra Penrice & ye subscription of Jno Anderson

Geo Harriss is sworne Deputy Marshall for pascotank precinct and takes ye oath by Law apoynted

Mr Jno Porter Comes to prosecute his sute against Christopher Butler and says he is Damnified in his C^r^ and Reputation by ye s^d^ Butler in ye Sum of 300£ Sterling and ye Marshall makes Returne a true Cop of ye writt & Declarati Left att ye Dwelling house of ye plaintiff and ye Defend

Came not And ye Court is of opinion y^{t} ye Marshall Amend ye Return of ye writt & Return Non Est Inventus

Which being done ye plaintiff prays y^{t} an Attachm^{t} may go forth against ye goods & Chattells of ye Defend^{t}

Ordered that ye Marshall Atteach so much of ye goods & Chattells Rights & C^{r} of ye s^{d} Butler as will amount to ye sum Declared for with Cost &c

Mr Chris Gale Came to prosecute his sute agst Tho Evins in a plea of ye Case for ye sum of 2: 13: 2½ & provs ye same ℔ Oath

Ordered that Tho Evins pay to Mr Chris Gale ye sum of 2 13: 2½ wth Costs alias Execut^{n}

Walter Craddock Comes to prosecute his sute against Capt Jeremiah Goodridg in a Plea of ye Case for ye sum of £77: 14 ℔ acc^{o} and ye Defend^{t} saith not

Ordered that ye Marshall have ye body of Capt Jeremiah Goodridg att ye Next Gen^{ll} Court in July Next alias Judgm^{t} to be Confirm^{d} agst ye Marshall

Upon Petition of Dorothy Simpson

Ordered that Mr Henry White Mr Jno Rapier Mr James Davis shall lay out all ye Lands whereof Wm Simpson Deceased was possest in his Lifetime and shall deliver to ye peticon^{r} the one third thereof to be to her as her dower

Mr Wm Glover by his petition shews y^{t} ye place of Richd Collins stands indebted to him in ye sum of 7: 18: 3 and prays an order for ye same and Roger Monteague being Present saith not

Ordered that Roger Monteague pay to ye Hon^{ll} William Glover in ye sum of seaven pound eighteen shillings & five pence with Cost of sute alias Execut^{n} if Assetts to be found

Upon ye petition of John Meade

Orderd that Tho Symons pay unto ye petition^{r} ye sum of five pounds, as he being executor of Charles Jones Dec̄ed itt being for ye bringing up a negro boy.

Capt Jeremiah Goodridg came to prosecute his sute against Mr Fredrick Jones In a Plea of ye Case and ye Defend^{t} saith nott And Mr Tho Snoden attorney for ye plaintiff prays Judgm^{t} against ye Marshall Ordr that ye Marshall have ye body of Mr Peter Godfrey Attor of M^{r} ffred Jones att ye next Court

A Bill of Sale from Mr Wm Duckenfield to Mr John Porter was acknowledged

a Conveyance of a tract of Land &c was acknowledged by Mr Wm Duckenfield to Richd Ashworth

SAMUEL SWANN
W. GLOVER
THOMAS SYMONS
RICHARD PLATER
Wm COLLINGS

To July Court ffrom March Court Reffer & orders agst Marshall viz[l]

PORTER ATTOR JONES vers SLADE
order vers Marshall

BIRD vers REED
Refferrd

WINN vers JENINS
2 acts Refferd

WILKISON ATTOR HUGGENDECLIN vers LEMARR & WIFE
ordr vers Marshall

PORTER vers BATTLE
Non Est Inventus Returnd

CRADOCK vers GOODRIDG
Ordr vers Marshall

GOODRIDG vers JONES
Ordr vers Marshall

CHEVINS vers FFRALY
Sute for 3: 9: 6 ℔ acco

FFREDRICK JONES vers JEREMIAH GOODRIDG
Plea Case Damage 1000£

IDEM & COMPANY vers DITTO
Plea Case Damage 500£ Non Est Inventus

Wm DUCKENFIELD ESQ vers MONTEAGUE
Plea Case, no Return

May 16th 1703 IDEM vers DAW
Plea Debt
Mr Boyd atteach Dr Swoann

Mr HENRY BAKER MERCHT OF VIRGIA vers EARLY
Plea Case

COBB &C vers FFEWOX
Retraxitt

CHAPMAN vers POWELL
detinue Retur Executed

IDEM vers SIRLICUM
Case Retraxitt

SEMMONS vers FFITTZPATRICK
Not Executed

NEWBY vers FFRALY
Debt Executed

PLATT vers MARTIN
Retor Executed

STANTON vers BANDY
Tresspass on ye Case Retur Executed

HAUGHTON vers NORMAN
Return Executed

SCARBORO ℔ SUPERSIDIAS agst RICE
GRIFFIN SUPERSIDIAS agst JONES
Wm REED vers BENJ TULL
Case

Know all men by these p^r^sents that I Henry Baker of Virgi^a^ Nominated Constituted Authorized & appoynted & in my stead & place do put my very good ffriend Saml Swann Esqr in Carolina to be my true and Lawful attor Irevocably to sue for Levie Recover Receive Demand & take of Wm Early of ye s^d^ Carolina ye sum of 24: 17: 4½ Or any other person or persons Indebted to ye s^d^ Baker within ye above^sd^ Country Giving & Granting unto my s^d^ Attor my full & whole power & Lawful Authority in ye Execution of ye premisses to arest attach Implead Imprisson & out of Prison againe to Deliver ye s^d^ Wm Early his heires &c until they or some of them shall have fully sattisfied ye Debt abovesd And upon Reciete thereof or any part thereof acquittances or any other Lawfull discharges in that behalf for me & in my name to make seale & Deliver And all other Act of Acts thing & things Device or Devices in ye Law w^t^soever for me & in my name to Do Conclude & finally to finish in as full Large & ample a maner as I may might or Could Do were I personally p^r^sent Ratifiing allowing & Confirming all & w^t^soever my s^d^ Attor shall Legally Do or Cause to be Don herein Given under my hand and seale ye 17th day of Ap^ll^ 1703

Sele & Delivered in p^r^sence of HENRY BAKER ++++++++ + SEAL + ++++++++

JN^o^ ALSLOVE RICH BARFIELD
JAMES FF ALEN

North Carolina—ss

Att a Gen^{ll} Court Holden att ye house of Capt Jno Hecklefield in Little River the 27th Day of July 1703

p^{r}sent The Hon^{ebl} Mj^{r} Saml Swann, William Glover, Thomas Symonds, Jno Hawkins, Richd Plater } Esq^{rs} Justices.

The Court being Proclaimed do adjourn till to morrow Morning 9 a Clock

Wednesday morning 9 a clock Court meets P^{r}sent Ut Supra Maj^{r} Swann absent

The Marshall being Comanded to arest y^{e} body of Henry Slade att y^{e} sute of Mr Jno Porter attor of James Jones and y^{e} Plaintiff Came not to Prosecute

Ordered that the action be Dismist & y^{e} Plaintiff pay Costs

Jno Bird comes to prosecute his sute agst W$\bar{m}$ Reed in a plea of Debt for 17: 00: 00 and y^{e} Defend^{t} Comes and prays Oyer of y^{e} Bill which being had he pleads acc^{o} in Bar which being allowed there is found to be due to y^{e} pl^{t} 12: 3: 6

Ordered that W$\bar{m}$ Reed pay to Mr Jno Bird y^{e} sum of 12: 3: 6 with Costs of sute alias Execun

Mathew Winn acknowledges a Conveyance to Robt Morgan

The Grand Jury Sworn Mr Jno Bird Mr Dennis Maclendon David Prichard Tho Lewis W$\bar{m}$ Winberry Rowland Buckley Saml Prichard James Prichard Rich Mardren Rich Stump Thomas Pendleton Phill Jackson Daniell Rice James Hewes Rich Jesper

Matthew Winn comes by Coll W$\bar{m}$ Wilkison & Mr Thomas Snoden his Attorneys to prosecute his sute agst John Jenins in a Plea of Defamation for these words you are a perjured Rogue you are a Hogstealing Rogue and Ile prove it And y^{e} Defend^{t} comes and pleads Justification and brings forward Evidence to prove it And y^{e} plaintiff by Coll W$\bar{m}$ Wilkison his attor says that a person cannot be perjured in—over—Except in a Court of Record and thereupon Casts himself upon y^{e} Country And y^{e} Defend^{t} Likewise and y^{e} Marshall is Comanded to cause to come 12 &c &c who &c By whom &c

And there came Cornel Jones Jno Relfe Jno Winberry —— Mercer Jno Jones Jno Wilson by Jno Dicks James ffoster Simon Crumsall Wm Lufman Jno Scarboron Wm Reed

who impaneld & sworn say we find for ye plaintiff two pound ten shill with Costs

Orderd that Jn° Jenins pay to Mathew Winn two pound ten shills with Costs alias Executn

And the y^e^ Court adjournd till to morrow morning 8 a Clock

Thursday Morning 8 a Clock, y^e^ Court meets

P^r^sent Wm Glover Esqr Tho Simonds Jn° Hawkins Richard Plater Esqr

Upon y^e^ Peti$\bar{c}$on of Wm Glover Esqr assignee of Coll Robt Quarry & Company praying Judgm^t^ agst Chris Butlers Estate Co^ll^ Wm Wilkison being p^r^sent to whom y^e^ Estate was bound over

Ordered that Coll Wm Wilkison pay unto Wm Glover Esqr y^e^ sum of fifty three shillings with Costs alias Executn

Coll Wm Wilkison Attor of Mr Huggendeclin of New York comes to prosecute his sute against M^r^ ffra Delamare & Ann his Wife Extors of Rich Pope De$\bar{c}$ed and Declares for several goods & merchandize Recd by y^e^ s^d^ Pope from y^e^ pl^t^ in New York amounting to y^e^ sum of 144£ & y^e^ Defend^t^ comes by Mr Tho Boyd theire Attor and Denies y^e^ Debt—& says y^e^ s^d^ Goods they never Recivd

And Coll William Wilkison produces an Acc° under the hand of ye s^d^ Huggendeclin Attested by ye Corporation & under ye seale of New York And ye Defend^t^ Casts themselves upon ye Country & ye Plaintif moved that a Jury might be Empannelld one halfe of Merc^ts^ for ye tryall of this case And was directed by ye Court to sue out a Writt of Venire Spec—for such a Jury to ye Next Court And he refused & prayed to come to tryall. And the Marshall is required to cause to come twelve &c and who &c By Whome &c And there came Cornelious Jones Jn° Relfe John Winbery Tho Mercer who being Sworn & before any other of the ffellows had taken ye oath Coll Wm Wilkison objected agst ye Jury as Insufficient and Detracted ye Court then ye Rest upon ye Panell was Likewise sworn Viz (And ye whole matter so farr as a Lay before ye Court was given them in Charge) Jn° Jones Jn° Willowly Jn° Dick James ffoster Simon Trumbull Wm Luffman Wm Reed Daniel Phillips And upon ye Holy Evangelist say We of ye Jury find for ye Defend^t^ with Costs of sute

Wm Rayfield proves his Rights to 200 acres of Land by Importat of Wm Rayfield Ann Patience & Wm Rafield

The Marshall was Comanded to arrest ye body of Chris Butler att ye sute of M^r^ Jn° Porter and ye writt was Returned to ye Last Court Non Est Inventus And Now ye Marshall Returns Mortuus Est

CRADDOCK vers GOODRIDG

Plea Case for ye Sum of fifty seaven pound fourteen shills And ye Defend^t^ by Coll Wilkison his Attorney says y^t^ ye Declaration he had not in Due time and therefore prays to be dismist and is Dismist

A Lett^r^ attor from Jer Goodridg to Coll Wilkison was proved ℔ oath of James Coles

Jeremiah Goodridg by Coll Wm Wilkison his attorney comes to prosecute his sute agst M^r^ ffredrick Jones Late of London in a Plea of ye Case and Mr Peter Godfrey attor of ye s^d^ Jones Comes & says that ye Declaration in due time he had not and prays to be dismist.

Orderd that ye Action be dismist & ye Plaintiff pay Costs

Mathew Winn Comes ℔ Coll Wm Wilkison & Mr Tho Snoden his Attorneys to prosecute his sute ag^st^ Mr Jno Jenins in a Plea of Defamati & Declares for Damage £200 And ye Defend^t^ Comes and puts them upon proof of ye Declaration and Casts himselfe upon ye Country and ye pl^t^ Likewise and the Marshall is Comanded &c By whome &c & there came Cornel Jones Jno Relfe Jno Winbery Tho Mercer Jno Jones Jno Willowby Jno Dicks James ffoster Symon Trumbell Wm Luftman Wm Reed Dan Phillips who Empaneld & sworne on ye Holy Evangelist say we find for ye plaintiff one shill with Costs Ordered that Jno Jenins pay to ye pl^t^ 1 shilling Damage & 1 shilling Costs

ffredrick Jones & Comp Comes ℔ Mr Peter Godfrey their Attor to prosecute their sute ag^st^ Jeremiah Goodridge in a Plea of ye Case & ye writt being Returnd Non Est Inventus ye plt prays Attachm^t^

Orderd he have atteachm^t^

Mr Tho Boyd having ateach^t^ ye Estate of Tho Swann of Roxberry for ye sum of 22:16:0 And Mr Rich Plater Comes & relieves ye Atteachm^t^

Orderd that Mr Rich Plater pay to Mr Tho Boyd ye sum of two pound Sixteen Shill with Costs alias Ex

Collonel Henry Baker per the Hon^ll^ Saml Swann Esqr Comes to prosecute his sute against Wm Early in a plea of ye Case for ye sum of £24: 17:4 And ye Defend^t^ Comes & pray a Refferr and by Joynt Consent it is Refferrd

Ralph Chapman ℔ Mr Thos Snoden his attor Comes to prosecute his sute agst Wm Powell in a Plea of Detinue & ye Defend^t^ Came not and ye plaintiff prays Judgm^t^ against ye Marshall

Orderd that ye Marshall have ye body of Wm Powell att ye next Gen^ll^ Court ye Last Tuesday in October alias Judgm^t^ to be Confirm^d^ ag^st^ ye Marshall

The Marshall was Comanded to arrest ye body of W^m^ ffrayly att the sute of Gabriel Nuby and Nuby came not to prosecute

Orderd that ye action be dismist & ye Plt pay Costs alias Exe

Tho Platt came to prosecute his sute agst Joel Martin in a plea of ye Case for Breach of Covenant and ye Defend^t^ Came not

Ord that ye Marshall have ye body of Joel Martin at ye next Court ye Last Tuesday in Octo alias Judgm^t^ to be Confirmed agst the Marshall Richard Houghton by Tho Snoden his attor Comes to prosecute his sute agst Henry Norman for severall things ye Consideration of an Indenture between them and ye Deft Comes & prays Oyer of ye Indenture and that it may be provd wch was done

Orderd that Henry Norman pay to ye plaintiff one New Coat & Briches serviceable & good one Handsaw one Drawing Knife one Round Shave one —— which shall be servicable to be delivered Imediatly with Cost alias Execut

The Court Adjourned till to-morrow morning 9 a Clock

Friday morning 9 Clock Court Meets Psent ut Supra on ye Pettition of Marg^t^ Macbride

Orderd that Math Winn pay to ye peticon^r^ for her travel & attendance Nineteen Shill & two pence wth Costs alias Exe

Isaac Gilford & Jos Gilford being bound over to this Court makes theire apeareance & pray to be discharged

And they are dismist paying costs

Upon motion of Mr Tho Snoden.

Orderd that a will of Rich Stiballs shall be Recorded

W$\bar{m}$ Reed came to prosecute his sute agst Benj Tull Plea of Case and Defend came not Orderd that y^e^ Marshall have y^e^ body of Benj Tull att y^e^ next Court the Last Tuesday in October next alias Judgm^t^ to pass agst the Marshall

Tho Stanton vers Caleb Bundy Plea Case by agreem^t^ Refferrd to Next Court ye last Tuesday in October

W GLOVER
THOMAS SYMONS
RICHARD PLATER
JN^o^ HAWKINS.

Att a General Court Holden att the House of Captn John Hecklefield in Little River Octob^r^ ye 26th 1703

P^r^sent The Honble Wm Glover
The Honble John Porter
The Honble Christopher Gale
The Honble Thomas Symonds
The Honble John Blunt
} Esq^rs^

The Courts Commission being published and the members having taken the usual oath for the due discharging the office of Justices the Court Satt p^{r}sent ut Supra

The Honble Court adjourned till to Morrow Morning 7 Clock

According on Wednesday Morning the Court meets p^{r}sent ut Supra except Mr Glover

Coll^{nll} Henry Baker by the Honb^{le} Major Samuel Swann his attorney comes to prosecute Suite ag^{t} Wm Early Def^{t} in a plea of the case & declares that the Def^{t} stands Justly indebted to the p^{lt} in the full & Just Sum̄e of 24—17—4½ and for plea the Def^{t} Sayth he is not indebted in the aforesaid Sume and objects ag^{t} certaine of the Articles Exhibited in Court and itt appearing to the Honble Court that the reall Sume of 20£—13s—9¼ is due from the Def^{t} to the p^{lt} the Def^{t} Confesses Judgm^{t} for the Same

Ordered that the Def^{t} pay to the pl^{t} the afores^{d} Sume of 20£—13s—9¼d with Cost of Suite als Execuc̄on

The Marshall being required to arrest the body of Joell Martin to answer the compl^{t} of Thomas Platt and the Def^{t} came not and the Marshall not bringing the body of the Def^{t}

Ordered that Judgm^{t} be confirmed ag^{t} the Marshall for the Sume of 4£ according to the pl^{ts} Declarac̄ons with Costs

Willm Reed comes to prosecute his acc̄on ag^{t} Benjamin ——— Def^{t} in A plea of ——— Sit & Declares That the Def^{t} Stands indebted to the pl^{t} in the Sume of £4—^{s}17—^{d}6 by his ——— And for Plea the Def^{t} by Arartion Parker his Attorney (his power being allowed on by the pl^{t}) putts the pl^{t} to the proofe of his Declarac̄on and putts himselfe upon the Country And the pl^{t} likewise And the Marshall is Comanded to cause to come &c to whom &c By whom &c And there came Mr Thomas Norcomb Mr Henry Pendleton Mr George Kinsey Mr Willm Turner Mr Roger Middleton Mr Thomas Tweedy Mr John Flowers Mr Wm Lacy Mr Richd Chester Mr Willm White Mr Robert Palmer & Mr John Evans who Impanelled & Sworn Say wee find for the pl^{t} one pound seventeen Shilling & Eleven pence with Costs

Orderd that the Def^{t} pay to the pl^{t} the Sume of one pound Seventeen Shilling & Eleven pence with Costs als Execuc̄on

Upon Peticon of John Evans

Orderd that the matter be referrd for a small time

Samuel Payne acknowledges a Deed of Sale to Mr Thomas Boyd in behalfe of Joseph Cook

The Marshall was required to arrest the body of Bryan Fitzpatrick to wer the Compᵗ of Nicholas Semons in a plea of the Case And the plᵗ ıe not

Orderd that the accon be dismist & the plᵗ pay Costs

The Marshall was Comanded to arrest the body of Jeremiah Goodge to answer the Compᵗ of Walter Craddock in a Plea of the Case & plᵗ came not.

Orderd that the accon be dismist & the plᵗ pay Costs

Captⁿ John Hecklefield Comes to prosecute his Suite agᵗ Captⁿ Richᵈ ıderson in a Plea of the Case for that the Defᵗ stands Justly indebted he plᵗ in the Sume of Tenne Pounds and for plea the Defᵗ putts the to the proofe of his Declaracon But afterwards praying a Reference to next Generall Court alledging to make the matter appear more Clear

Orderd that a Reference be granted to the Defᵗ to the next Generall ırt

David Blake acknowledges a Deed of Sale of a Tract of Land to Anne rant Widow

A Letter of Attorney from John Cobb to Mr Hugh Campbell proved by oaths of Mr Richᵈ Plater & Mr John Hunt & ordered to be Recorded

A Letter of Attorney from Robert Sanders to James Tooke provd by oaths of Mr Hugh Campbell & Mr John Hunt

Captⁿ John Hecklefield comes to prosecute his suite agᵗ Daniel Phillıs in a Plea of the Case and the Deft came not And the plᵗ craves an ler agᵗ The Marshall And the Marshall craving an Attachmᵗ agᵗ the ftˢ Estate

Orderd that an Attachmᵗ be granted to the Marshall agᵗ the Defᵗ ate

Captⁿ John Hecklefield Comes to prosecute his Suite agᵗ Wᵐ Nichol- in a Plea of the Case and the Defᵗ came not And the plᵗ Craves an ler agᵗ the Marshall And the Marshall prayes an attachmᵗ agᵗ the ftˢ Estate which is granted

Captⁿ John Hecklefield Comes to prosecute his Suite agᵗ Abraham ırren Administrator of Clapper et In a Plea of the Case And for plea Defᵗ produces an act of Assembly ao—— Barr to the accon And the nᵇˡᵉ Court being of opinion that the aforesᵈ Plea is a Good plea in ır to the Accon

Orderd that the plᵗ be Nonsuite & pay Costs als Execucon

John Bishopp Comes to prosecute his Suite agᵗ Daniell Phillipps in a a of the Case And the Defᵗ Came not And the plᵗ prays and Order the Marshall

Orderd that the Provost Marshall bring forth the body of Daniel Phillipps to the next Generall Court to answer the Compl^{t} of John Bishopp als Judgm^{t} to be Confirm'd agt the Marshall

The Provost Marshall prayes an attachm^{t} ag^{t} the Estate of Daniell Phillipps which is granted

Jeremiah Goodridge comes to prosecute his Suite ag^{t} Mr Fredrick Jones in a plea of the Case And the Def^{t} came not And the pl^{t} by Coll^{nll} Wm Wilkinson his attorney prays an Order ag^{t} the Marshall

Ordered that the Marshall bring forth the body of Mr Frederick Jones the next Generall Court to answer the Comp^{lt} of Jeremiah Goodridge als Judgm^{t} to be Confirmed ag^{t} the Marshall

The Provost Marshall prayes an Attachm^{t} ag^{t} the Estate of Mr Frederick Jones which is granted

Thomas Stanton Comes to prosecute his Suite ag^{t} Caleb Brindy in an acc̄on of Trespass upon the Case for that the Def^{t} unjustly Stopped & molested the Survey^{r} in a lawfull Survey of a Tract of land lying in Pascotank Justly belonging to the pl^{t} And for plea the Def^{t} putts the pl^{t} to prove his title & putts himselfe upon the Country And the pl^{t} likewise And the Marshall is Comanded to cause to come twelve &c to whom &c who neither &c By whom &c And there came Mr Thomas Tweedy Mr Roger Middleton Mr John Flowers Mr Willm Lacy Mr Richd Chesten Mr Robert Palmer Mr John Evans Mr Wm White Mr Wm Reed Mr Garrett Purcell Mr Bryan Fitzpatrick & Mr Samuel Davis who Impannell'd & Sworn Say wee of the Jury find for the Def^{t}

Orderd that the acc̄on be dismist & the p^{lt} pay Costs als Execuc̄on

Upon Petic̄on of Anthony Markham praying to be allowed ten pounds for his trouble & Charge in tending of Archibald Burnett in his Sicknesse.

Orderd that Mr Thomas Boyd Execut^{r} of that S^{d} Burnett of last will & testam^{t} pay the Sume of eight pounds to the petic̄on^{r} als Execuc̄on

The Jurors for our Sovereigne Lady ye Quee Do p^{r}sent that Tho Dewham Gen^{t} of ye County of Bath have not ye feare of God before his Eyes but being Led away by ye Instigation of ye Devill Did feloniously and of mallice prepess'd att Severall times with Severall Weapons But more particularly to Witt on or about ye tenth day of September Last past in ye County of Bath aforesd agst the Peace of our Late Sovereigne Lord ye King Did with force & Arms Assault ye Body of Wm Hudson then being in ye Peace of God and our sd Lord ye King and him ye sd Wm Hudson Did then & there with a certain Weapon Comonly Called or Known by ye name of Catt of Nine tayles ffeloniously & Maliciously Strike beat wound & Kill that the aforesd Wm Hudson Afterwards to witt on or abount the 20th Day of Sep^{t} Last past in ye County of Bath aforesd

then & there by reason of the aforsd Mortall Strokes & Wounds Did Depart this Life agst ye Peace &c

Who being Arreigned Pleads not Guilty

And Casts himself upon God & ye Country & Rich Plater Esqr Attorney Genll Likewise And the Marshall is Comanded that he cause to come twelve good and Lawfull men of ye vicinage and who &c By whome &c And there came Mr ffra ffoster Benj Tull Saml Paine Wm Armor Denniss McLendon James Oats Jenkin Williams ffra Beasley Abraham Warren Jno West Wm Gascins Jno Bird and being sworn upon ye Holy Evangelist to give true Verdict in ye premises Upon ye Holy Evangelist say

Wee find him guilty of Man Slaughter

And ye sd Dearham humbly prays that Sentens may be suspended till to morro

And then ye Court adjourns till to morro morning 8 a Clock

Fryday morning 8 a Clock Court meets prsent ut supra August ye first

A Conveyance of a tract of Land & Plantation was acknowledged by John Huffton to Mr Jno Parriss Jno Bayly and Elinor his wife acknowledges a Conveyance of a tract of Land & plantatn to John Hnffton

A Lettr of Attor from Rebeca Bard Wife of Jno Bard to Nath Chevin was proved ℔ ye oath of Mr John Wheatley

A Conveyance of a tract of Land & plantation in Pequimons Precinct was Acknowledged by Jno Bird & Nath Chevin and Rebecca Bird Unto Mr Tho Harvey

Upon peticon of Wm Reed Preying that a tract of Land formerly in ye occupation of Capt Jno Gibbs and ——— may be granted to ye Petitionr and prays that yt ye Labour thereon may be Apraisd

Ordered that it be granted to ye Peticonr and that ——— Baily James Cary and Edw Jelfe Apraise ye Labour or any two of them

A Deed of Conveyance & Release was Acknowledged by ——— Duckenfield Esqr to Mr John Ardrene

Upon ye Peticon of Eliz Stewart

Ordered that Mr Wm Boyce pay to ye Peticonr the sume of Eight shills & four pence for her travell & Attendance at Court

Thomas Dewham haveing yesterday been Convicted of Manslaughter & sav'd by his Book and Sentens Suspended—

Ordered that the sd Thomas Dewham be Burnt in Brawne of ye Left thumb with a hott Iron haveing—ye Letter M and pay all Costs that Doth acrue

And upon ye Humble Petition of ye sd Tho Dewham—Court in Clemency Doth Reprieve ye said Sentence untill—Majesties Pleasure therein be further known

Upon Petition of Wm Reed and James Cary

Ordered that Edward Berry pay to Each of ye Petitioners theire travell & attendance nine Shills & two pence

SAMUEL SWANN
W. GLOVER
THOMAS SYMONDS
RICHARD PLATER

[From MSS. Records of Friends' Monthly Meetings in Pasquotank Precinct.]

At a Monthly Meeting Held at the House of Caleb Bundy in the Precinct of Pasquotank the 1st of the 3rd Month 1703

Friends Meet &c It is agreed by Friends that a meeting House Shall be Built at Pasquotank with as much speed as can be and it is left to the said Meetings to consider about the time & place

1704.

[From MSS. Records of Friends' Monthly Meetings in Pasquotank Precinct.]

At a Monthly Meeting Held at Calub Bundy's The 1st of the 1st Month 1704

Friends meet &c. There was a paper signed for the clearing of Friends Principle concerning fighting wars, &c Sheading of blood and to be set up at the Court House Door during the time of the Court Sitting &c and also some things under it of Stephen Scotts own putting out and giving forth.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry met at the Chapel the 9th Day of March 170$\frac{3}{4}$.

Present:

The Hono^ble^ Henderson Walker Esqr	Mr Nicholas Crisp
Co^ll^ Wm Wilkinson	Mr John Blount
Wm Duckenfield Esqr	Mr Wm Banbury
Mr Edward Smithwick	Nathl Chevin.

William Duckenfield Esqr and Mr Edward Smithwick being appointed Church Wardens for the Last Year and having Served a year the 15th of December last, and they having failed of calling the Vestry together at that time in Order to be discharged.

Ordered that they serve another year in that Station.

Whereas Dr John Blair presenting himself before the Vestry as a Minister of the Gospel and having the approbation of the D. Governour, he is received as a Minister of the Gospel and the Church Wardens for and in behalf of the Vestry do assume to pay the said Dr John Blair 30 pounds (as the Law provides) per annum. The year to begin the first of this Instant March.

The choice of a Reader and Clerck of the Church being debated and Daniel Leigh presenting himself for that office. Its agreed that Daniel Leigh serve in that Station and that he keep the Keys of the Church and keep the Church clean and keep the woods fired at the time of the year round the Chappell also to provide water for the baptizing of Children, and to attend the Chappell every Lords Day, when the Minister is here to officiate as a Clerk, and when the Minister is absent to read divine Service, and a Sermon &c. to keep the Vestry Journal and to attend the Vestry at their meetings. He promising to the Vestry to lead a sober and exemplary Life in his Station his Year to begin this Day.

Whereas his Excellency Francis Nicholson Esqr his Majtys Lieutenant and Governor of the Colony of Virginia hath been pleased the contribute the pious and Charitable gift of ten pounds Sterling for the use of the Church in this our precinct and parish of St. Paul's and for a perpetual Memorial of his pious and Charitable Gift it is.

Ordered that the ten pounds in pieces of eight wt 17 p. wt shall be sent to Boston to purchase a Chalice for the use of the Church with this Motto Ex Dono Francis Nicholson Esqr her Majesty's Lieutenant Govr of her Majesty's Colony and Dominion of Virginia.

Ordered that the Church Wardens do Speedily agree with a workman to make pulpit and pew for the Reader with Desks fitting for the Same and in as decent a manner as maybe and what they shall agree for the Vestry do oblige themselves to See paid. And that they put a former Order in Execution for the getting the Windows put up, and to get Glass and have it put up forthwith.

The Publick Charge is as followeth vizt—

	£	sh
To Doctor Spruil for Curing— Adams—	5:	0:
To Luke Meazle's Services	0:	9:
To Coll Wilkinson a Barrell of Tarr.—	0	15:
To Dan'l Leigh for tarring the Chappell and fetching the Tarr	1:	0
To Nath'l Chevin Clk.—	2:	10:
To Sallery for collecting at 15 ℔ Ct—	1:	10:
	£11:	4

Ordered that the Collector collect of every Tythable in the precinct the sum of one shilling and eight pence with power to destrain in Case of Refusal to be collected by the Church Wardens or their Deputies and the afs[d] Church Wardens do undertake for the faithfull Collection and true accounting for the Same in the Sum of fifty pounds Sterling to be levied upon their Goods and Chattells in Case of Default.

[B. P. R. O. Am: and W. Ind: Plant. Gen. No. 601.]

CONSIDERATIONS HUMBLY OFFERED, WHY NAVAL STORES CANNOT BE BROUGHT IN GREAT QUANTITY'S FROM HER MAJESTY'S PLANTATIONS, UNLESS ASSISTANCE BE GIVEN BY THE GOVERNMENT.

[19 May 1704.]

1st Planters, proprietors, or Trading people will not make it their business to provide such Goods, nor bring them in the usual way of Trade unless they have a prospect, they shall have sales for them at such rates, as may afford them profit, their cost & Charges considered; if there be no such prospect then they will bring them only when they can be secure of Gaine by some particular contract with the Navy officers or other persons.

2nd This is verified by what has past in relation to Naval Stores from the plantations, Several have offer'd to bring them upon a Contract made, or Charter granted or other advantages, but few or none have been brought as other Comodities to be sold at a Comon Markett Thō it was foreseen above 50 Yeares Since; that it would be dangerous to depend entirely upon the Northern Crownes, for Naval Stores, and was then taken into Consideration Now to be supplied from the Plantations, yet few have been brought, thō in those parts there is great plenty of Timber for building of Ships, and also to produce Pitch, Tarr & Rozin, and a Soil capable to afford hempe.

3[ly] Upon which it may be concluded that no Methods can be effectuall, for the bringing in, of great quantity's, but such as may give encouragement, to the Trading people, to bring them upon the same foundation, as they bring other Commodities from other parts viz[t]

Hopes of making proffit, by trading & dealing in them which cannot be, unless these Comodities be eased of the great burthen, which lyes on

them, by the great wages paid to labouring men on the Plantations, and the high freights given to Ship Masters, for Goods brought from those parts, which being farr above the rates which are paid for the same Sorts of Goods if they come from Norway or the Baltick, deprives the traders of making proffit by these Goods from the Plantations, and gives a priority to those from the North.

4^{ly} The Northern Crownes are our Competitors in this Case, the advantages they have cannot be overcome, by a Charter, in which most of the proposalls that have been made do center, Corporations must have Governours, Directors, book keepers & Agents, the Charges will amount to at least ten ℔ Cent, which must be added to the Cost, and other necessary Charges, and give a Further advantage to our Competitors, by which they will be enabled to undersell our Traders in these Commodities, and yet Subsist & make profit, because they will be eased in these Several Charges & outgoings: Charters cannot remove, nor decrease the Cloggs that lye on this Trade, but rather increase them unless the Swedes & Danes and all others could be excluded from bringing those Goods into England.

Therefore

Unless these Comodities from the North can be Charged with a great Custome, and those from the Plantations be eased from all Custome: or her Majesty be graciously pleased to cause these goods to be brought freight free to the Planters or owners, or to give to them some recompense at a Certain rate ℔ Tunn for what they may bring, as may equallize the Charge of freight.

The Naval Stores from the North will always hinder their being brought from the Plantations, as Comodities in the way of Trade, which only can cause a large importation of them for the use of our Navigation in General, hinder the Exportation of our Coyne to the North and prevent the inconveniencies that may happen, by our dependance upon these Crownes.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry held at the Chappel the 26th of May 1704

Present

Coll Wm Wilkinson
Wm Duckenfield Esqr
Mr. Edward Smithwick
Mr. Nicholas Crisp
Mr. Nathl Chevin
Mr. John Blount
Mr Wm Banbury
Capt Thomas Luten

Ordered that Mr John Ardern Serve as Vestry man in the Room of the Hono^{ble} Henderson Walker dec̄ed.

Ordered that three pounds be paid Richard Booth towards the maintainance of an orphan Child left destitute per Stephen Prestan.

The Revd John Blair Serving as Minister of the Gospel out of his Charitable Gift hath given what Sallery is due to him to the poor for which the Gentlemen of the Vestry return him thanks.

[From N. C. Letter Book of S. P. G.]

MR. BLAIR'S MISSION TO NORTH CAROLINA.

I was ordained, in order to go to the plantations, 12th April, 1703, and then received the queen's bounty of £20, and, soon after, my Lord Weymouth's bounty of £50; upon which I lived in England till the 1st of October following, which, together with my fitting out for such a voyage and country, consumed the most part of my money. I had likewise £5 sent me by my lord of London to Portsmouth, and when I landed in Virginia I had no more than £25.

I landed in Virginia, 14th of January, 1704; and, as soon as I could conveniently travel, I waited upon the governor, and immediately after made the best of my way into the country where I was bound.

I arrived amongst the inhabitants, after a tedious and troublesome journey, 24th ditto. I was then obliged to buy a couple of horses, which cost me fourteen pounds,—one of which was for a guide, because there is no possibility for a stranger to find his road in that country, for if he once goes astray (it being such a desert country) it is a great hazard if he ever finds his road again. Beside, there are mighty inconveniences in travelling there, for the roads are not only deep and difficult to be found, but there are likewise seven great rivers in the country, over which there is no passing with horses, except two of them, one of which the Quakers have settled a ferry over for their own conveniency, and nobody but themselves have the privilege of it; so that at the passing over the rivers, I was obliged either to borrow or hire horses which was both troublesome and chargeable, insomuch that in little more than two months I was obliged to dispose of the necessaries I carried over for my own use, to satisfy my creditors.

I found in the country a great many children to be baptized, where I baptized about a hundred; and there are a great many still to be bap-

tized, whose parents would not condescend to have them baptized with god-fathers and god-mothers.

I married none in the country, for that was a perquisite belonging to the magistrates, which I was not desirous to deprive them of.

I preached twice every Sunday, and often on the week-days, when their vestries met, or could appoint them to bring their children to be baptized.

I called a vestry in each precinct, in my first progress through the country, to whom I gave an account of my Lord Weymouth's charitable bounty in supporting my mission among them, and likewise of the good designs the honorable society had for them, as I was informed by Mr. Amy that they had settled £50 per annum for the maintenance of two clergymen amongst them; and likewise a proposal that Dr. Bray desired me to make to them, that, upon their procuring good glebes, he doubted not that there might be a settlement made for the advantage of the Church, such as there is in the island of Bermudas, viz., two slaves and a small stock in each precinct, and that to be continued good by the incumbent to his successor, which will be a lasting estate to the Church.

They have built in the country three small churches, and have three glebes.

In the three chief precincts, there is a reader established in each, to whom they allow a small salary, who reads morning and evening prayer every Lord's day, with two sermons, and I took care to furnish them with books from the library before I came away.

I remained very well satisfied in the country till their Assembly sat, which was on 1st March, where I expected they would propose a settlement for my maintenance; and they taking no care of it, together with my then circumstances, which were but very indifferent, discouraged me very much, and occasioned my first thoughts of returning to England; for I was informed before I went thither that there was £30 per annum, settled by law, to be paid in each precinct for the maintenance of a minister, which law was sent over hither to be confirmed by their lords proprietors, and it being supposed not to be a competency for a minister to live on, was sent back again without confirmation, whereof the Quakers took the advantage, and will endeavor to prevent any such law passing for the future, for they are the greatest number in the Assembly, and are unanimous, and stand truly to one another in whatsoever may be to their interest. For the country may be divided into four sorts of people: first, the Quakers, who are the most powerful enemies to Church government, but a people very ignorant of what they profess. The second sort are a

great many who have no religion, but would be Quakers, if by that they were not obliged to lead a more moral life than they are willing to comply to. A third sort are something like Presbyterians, which sort is upheld by some idle fellows who have left their lawful employment, and preach and baptize through the country, without any manner of orders from any sect or pretended Church. A fourth sort, who are really zealous for the interest of the Church, are the fewest in number, but the better sort of people, and would do very much for the settlement of the Church government there, if not opposed by these three precedent sects; and although they be all three of different pretensions, yet they all concur together in one common cause to prevent any thing that will be chargeable to them, as they allege Church government will be, if once established by law. And another great discouragement these poor people have, is a governor who does not in the least countenance them in this business, but rather discourages them.

Finding it impossible to travel through the country at that rate I began, I was resolved to settle in one precinct, but the people, all alleging that my Lord Weymouth's charity was universally designed for the whole country, would not consent to it; which bred some disturbance amongst them, upon which I was advised, by some of the best friends of the Church, to come over and represent their condition to the honorable society, not only of their want of ministers but likewise of inhabitants to maintain them; and their desires, they complying with my necessities, was a powerful argument, considering I was then reduced to my last stake, and knew not where, or upon what account, to be further supplied. Besides, such a solitary, toilsome, and hard living as I met with there were very sufficient discouragements. I was distant from any minister one hundred and twenty miles, so that if any case of difficulty or doubt should happen, with whom should I consult? And for my travelling through the country, I rode one day with another, Sundays only excepted, about thirty miles per diem in the worst roads that ever I saw; and have sometimes lain whole nights in the woods.

I will now endeavor to show you how inefficient a single man's labors would be amongst so scattered a people. In the first place, suppose him minister of one precinct (whereas there are five in the country), and this precinct, as they are all bounded with two rivers, and those rivers at least twenty miles distant, without any inhabitants on the road, for they plant only on the rivers, and they are planted in length upon those rivers at least twenty miles, and to give all those inhabitants an opportunity of hearing a sermon, or bringing their children to be baptized, which must

be on the Sabbath, for they won't spare time of another day, and must be in every ten miles distant, for five miles is the furthest they will bring their children, or willingly come themselves; so that he must, to do his duty effectually, be ten or twelve weeks in making his progress through one precinct.

You may also consider the distance that the new colony of Pamtico is from the rest of the inhabitants of the country, for any man that has tried it would sooner undertake a voyage from this city to Holland than that, for beside a pond of five miles broad, and nothing to carry one over but a small perryauger, there are about fifty miles desert to pass through, without any human creature inhabiting in it. I think it likewise reasonable to give you an account of a great nation of Indians that live in that government, computed to be no less than 100,000, many of which live amongst the English, and all, as I can understand, a very civilized people.

I have often conversed with them, and have been frequently in their towns: those that can speak English among them seem to be very willing and fond of being Christians, and in my opinion there might be methods taken to bring over a great many of them. If there were no hopes of making them Christians, the advantage of having missionaries among them would redound to the advantage of the government, for if they should once be brought over to a French interest (as we have too much reason to believe there are some promoters amongst them for that end by their late actions), it would be, if not to the utter ruin, to the great prejudice of all the English plantations on the continent of America.

I have here in brief set down what I have to say, and shall be ready to answer to any questions the honorable society shall think convenient to ask me concerning the country; and shall be both ready and willing to serve them anywhere upon such encouragement as I can live, according to my education, after my Lord Weymouth ceases to lay his commands on me.

I have made a considerable losing voyage of it this time, both by my troublesome travelling in America, and likewise by being taken into France, where I was prisoner of war nine weeks, and was forced to make use of my credit for my sustenance; and have lived in the same circumstances since I came to England, without any manner of relief, which has been very troublesome to me, all which has brought me considerably in debt, near £35, and now in no way to pay it, without my charitable benefactor or the honorable society judge my labors worthy a reward.

[N. C. Letter Book S. P. G.]

PETITION FROM NORTH CAROLINA TO THE RIGHT HON^ble^ THE LORDS SPIRITUAL & TEMPORAL IN PARLIAMENT ASSEMBLED

The Humble Petition of the Queen's Maties most distressed Subjects Inhabiting near Pamplico River in the County of Bath, within her Maties Dominions of North Carolina:

Sheweth

That your Petitioners depending upon the Royal assurance which was given for their encouraging the Exercise of the Protestant Religion, and the benefit of the Laws of England, and the encouragements which were published for planting in the said parts, settled themselves and their families upon the said River, and going through incredible difficulties from the Indians, a vast labour and expense recovered and improved divers great quantities of land thereabouts, they made all due applications to the Governors and Conncil of the Lords Proprietors of those lands for being admitted into the privileges published as aforesaid. But instead thereof they have been treated by the said Governors and Council with very great hardships, neither could your Petitioners obtain your [y^e^] favour of having a minister appointed them, though they offered with cheerfulness to be at the Charge of maintaining him, and by reason thereof your Petitioners have been deprived of the means of grace which their souls earnestly longed after, and near two hundred of their children have not been admitted to the Sacrament of Baptism.

[Records of Perquimans Precinct Court.]

Jany 1704

Att a Court held att the House of Cap^tn^ James Coles in Pequimins River the eleventh day of January Anno D^ni^ 170$\frac{3}{4}$

P^r^sent

The Worp^ll^ Ralph Fletcher
The Worp^ll^ Francis Foster
The Worp^ll^ James Coles
The Worp^ll^ John Stepney
} Esqre

Francis Foster & Hannah his wife acknowledges a Deed of Sale to Thomas Snoden.

John Anderson ag^{t} Thomas Evans in A Plea of the Case for three pounds Sixteen & ten pence farthing And the Def^{t} came not & the pl^{t} craves an Order ag^{t} the Marshall

Ordered that the Marshall bring forth the body of Tho: Evans to the next p^{r}cinct Court to answer the compl^{t} of John Anderson als Judgm^{t} to be Confirmed ag^{t} the Marshall.

A Power of Attorney from Wm Frilye & Grace his wife to Mr Peter Godfrey was prov'd by the Oaths of Richd French & Henry Spring,—& ordered to be recorded.

The Deputy Marshall Craves an Attachm^{t} ag^{t} the Estate of Thomas Evans att the Suite of Wm Anderson.

A Deed of Sale Acknowledged by Peter Godfrey Attorney of W^{m} frilye & Grace his wife to Mr James Coles.

A Will of James Oates prov'd by the Oath of Captn James Coles & the Subscription of Joseph Smith.

John Falconer Assignee of Coll Robt Quarry ag^{t} Richard Davenport in a plea of Debt & Complaines for the Quantity of Six Barrells of Porke. And for plea the Def^{t} by Thomas Norkam his Attorney putts the pl^{t} to the proofe of his Declarac̄on, & putts himself upon the Country & the pl^{t} likewise And the Marshall is required to come twelve true and lawfull men of the vicinage &c By whom the matter may be found &c And there came Mr Dennis Macclendon Mr Richd Skinner, Mr Wm White Mr John Long Mr John Foster Mr Thomas Ayres Mr Samuel parsons Mr Wm Morgan Mr James Morgan Sen. Mr John Anderson Mr Ralph Fletcher Jun & Mr David Sherwood who Impanelld & Sworne say wee of the Jury find for the pl^{t} Six Barrells of Pork with Cost. Ordered that Richard Davenport pay to John Falcon^{r} Six Barrells of Porke wth Costs als Execuc̄on

James Anderson p^{r}sents James Thickpen Overseer of the High Ways in his Room for the year Ensuing.

Ordered that the Sd James Thickpen be impowered thereto by a Warr^{t} to him Directed.

Upon peticon of Deborah Witby praying to live wth Richd Whitby & to be releas'd from her Guardian & proffers Dennis Macclendon to be her Security to Save the Court harmlesse which is accepted—it is Soe Orderd.

Anthony Alexander ag^{t} Tho: Evans in a Plea of Debt Complaines for twelve Hundred foot of good Inch board fifteen foot long & one pound fifteen shillings & Six pence.

And the Deft Came not.

Orderd that the Marshall bring forth the body of Thomas Evans to the next Court held for this p^{r}cinct to answer the Sd Alexanders Comp^{lt} als Execuc̄on

An Attachm^{t} ag^{t} the Estate of Thomas Evans granted to the Provost Marshall upon his Petic̄on.

Joanna Tayler ag^{t} Thomas Evans in a Plea of Debt for forty Shillings in fresh Porke & the Deft. Came not.

Orderd that the Marshall bring forth the body of the Sd Tho: Evans to the next Court to be held for this p^{r}cinct to answer the s^{d} Joanna Taylers Comp^{t} als Judgm^{t} to be confirm'd ag^{t} the Marshall.

And the Marshall prays an Attachm^{t} agt the s^{d} Evans Estate which is granted.

Coll Wm Wilkinson ag^{t} Tho: Evans in a plea of the Case Complaines for Thirty Shillings & two pence half peny & the Def^{t} Came not

Ordered that the Marshall bring forth the body of the Sd Tho: Evans to the next Court to be held for this p^{r}cinct to answer the Sd W$\bar{m}$ Wilkinson Comp^{lt} als Judgm^{t} to be confirmed ag^{t} The Marshall.

An Attachm^{t} granted to the Marshall ag^{t} the Sd Evans Estate upon his motion.

A Deed of Sale Acknowledged from Richd Davenport to Coll W$\bar{m}$ Wilkinson.

A Deed of Sale acknowledged from Mr Ralph Fletcher to Richd Burtenshall & Order'd to be Recorded.

And then the Court Adjourned till tomorrow Morning 8 of Clock.

On Wednesday att Eight of Clock the Court meets p^{r}sent ut Supra.

And then the worp^{ll} Court adjourns for one hour.

On Wednesday Morning 9 of Clock the Court meets p^{r}sent ut Supra

A Letter of Attorney from Richd Burtenshall to Thomas Norkom prov'd by the Oaths of Thomas Snoden & Thomas Houghton & order'd to be recorded.

A Letter of Attorney from Ralph Fletcher Sen to Ralph Fletcher Jun acknowledged & ordered to be recorded.

THO. CLARK v^{s} RIC^{hd} DAVENPORT

Ex^{ce} return in Custody

A Deed of Gift from Ralph Fletcher Sen. to Ralph Fletcher Jun. Acknowledged in Court & ordered to be recorded.

A Deed of Gift from Ralph Fletcher Jun to Ralph Fletcher Sen. acknowledged in Court & ordered to be recorded.

A Power of Attorney from Elizabeth the wife of Barth Phelps to John ffalconer relinquish her Right of Dower of a Tract of Land Sold

from ye s^d^ Bartholomew Phelps to Anthony Alexander & order'd to be recorded And the same is acknowledged & to be recorded

Anthony Alexander upon his own acc^t^ & Coll Wm Wilkinson on behalfe of the s^d^ Anthony Alexander undertakes for the s^d^ Anthony Alexander in the Penall Sume of one hundred pounds Sterling Conditionally that the s^d^ Anthony Alexander shall be of good Abearance to all her Maties liege Subjects & the Court of Pequimins till the twelfth day of January Anno D^ni^ 170$\frac{3}{4}$

RALPH FLETCHER
FRANCIS FOSTER

Att a Court held att the House of Dennis Macclenden the 11th day of Aprill Anno D^ni^ 1704.

P^r^sent.

The Worp^ll^ Ralph Fletcher
The Worp^ll^ Francis Foster
The Worp^ll^ Wm Bartlett
The Worp^ll^ John Stepney
} Esq^rs^—Justices

The Worp^ll^ Ralph Fletcher Esqr acknowledges a Deed of Sale to Thomas Harvey & Margrett his wife and orderd to be recorded.

James Beesley & Mary his Wife acknowledge A Deed of Sale to Francis Wells & orderd to be recorded.

Archibald Holmes p^r^sents Henry Norman Overseer of the High wayes for the yeare Ensuing in his Room.

Ordered that a Warr^t^ be directed to the s^d^ Henry Norman impowering him thereto.

Wm Jackson presents George Gordon overseer of the High Wayes in his Room for the year Ensuing.

Orderd that a warr^t^ be directed to the s^d^ George Gordon Impowering him thereto

Upon Peticon of W$\bar{m}$ Williams praying l^res^ of Administracon of George Fletchers Estate ordered that the peticon^r^ have L^res^ of Administrac$\bar{o}$n of the s^d^ Fletchers Estate.

And that John Anderson John Yates Dennis Macclendon & Abraham Warren appraise the same & that a true Inventory of the same be returned by the s^d^ William Williams according to Law.

By An Order past ag^t^ the Marshall the last Court Anthony Alexander Comes to prosecute his Suite by Tho: Norkam his Attorney ag^t^ Thomas Evans in a plea of Debt And the Def^t^ Came not. Ordered That Judgm^t^ be confirmed ag^t^ the Provost Marshall for the Sd Debt

The Marshall was required to arrest the body of David Harris to answer the Comp^lt^ of Coll^ll^ Willm Wilkinson for the Sume of four pounds

Seventeen Shillings & Six pence in fresh Pork & both partyes agreed referrd by Consent to the next p^{r}cinct Court.

Wm Williams by Thomas Norkam his Attorney Comes to prosecute his Suite ag^{t} Wm Hall in a plea of Detinue for that the Def^{t} Detaines one Feather bed one pair of blankets & one Rugge of the pl^{ts} And for plea the Def^{t} Sayth that he Detaines the aforesd bed and furniture till Satisfac$\bar{c}$on made for the Same and putts himself upon the Country & the pl^{t} likewise And the Marshall was Comanded to come twelve &c to whom &c who neither &c By whom &c And there came Mr Archibald Holmes Mr Anthony Hoskins Mr Henry Spring Mr John Yate Mr Richd Burtenshall Richd Rose Abraham Warren Francis Wells Francis Pettitt Lawrence Megue John Bennitt Richd Skinner who Impannelld & Sworn Say wee of the Jury find for the Def^{t}

Ordered that the ac$\bar{c}$on be dismist And the p^{lt} pay Costs als Execu$\bar{c}$on

Francis Pettitt by his oath proves an acc^{t} ag^{t} Richd Houghton Debt^{r} to the Sd pettitt one cow & one cow yearling

Richd Chesten p^{r}sents Samuell Cretchington Overseer for the High Wayes in his room for the year Ensuing.

Ordered that a Warr^{t} be directed to the Sd Cretchington impowering him thereto.

Mr Peter Godfrey acknowledges a Tract of Land to Anthony Haskett.

James Morgan acknowledges a Deed of Sale to Wm Morgan

Upon Peti$\bar{c}$on of Christopher Sutton praying his Estate out of Samuell Nicholson his Guardian's hands.

Ordered that the Sd Suttons Peti$\bar{c}$on be Ejected.

Thomas Harvye & Margret his wife acknowledge a Deed of Sale to David Harris

David Harris & Elizabeth his wife acknowledge a Deed of Sale to Thomas Harvye, & orderd to be recorded.

Thomas Snowden Attorney of Constant his wife relinquishes her right of Dower of A Tract of Land Sold to John Bateman.

Mr Fredrick Jones Complaines ag^{t} Thomas Collings in a plea of the Case for Three & Thirty Shillings & two pence to be pd in Porke att the House of Peter Godfrey And the Def^{t} by Tho: Norkam his Attorney comes & Sayth he is not Indebted above Seventeen Shillings and Craves a Nonsuite being out of the Jurisdic$\bar{c}$on of this Court to determine And the Opinion of this Court is that a Nonsuite ought to be Granted to the Def^{t}

Orderd that the pl^{t} be nonsuite & pay Costs als Execu$\bar{c}$on.

Mr Frederick Jones Complaines agt John Grey in an acc̄on of Debt for two pounds tenne Shillings & three pence and both partyes agreed referr'd by Consent to the next prcinct Court.

Mr Frederick Jones by Mr Peter Godfrey his Attorney comes to prosecute his Suite agt Tho: Houghton for two pounds Nyne Shillings & Eight pence in Debt. And the Deft. Came not.

And the plt craves an Attachmt agt the Defts. Estate which is granted.

John Anderson & Jane his wife acknowledge A Deed of Sale to John Hawkins.

Jeremiah Goodridge Constitutes John Anderson his Attorney & A Power prov'd to the Sd John Anderson by the oath of Thomas Welch.

A power of Attorney from Thomas Evans to John Yates prov'd by the oath of Thomas Snoden.

A Power of Attorney from Mary the wife of Thomas Evans to Thomas Snoden to relinquish her right of Dower of A Plantac̄on Sold by her husband Thomas Evans to Jeremiah Goodridge.

A Deed of Sale acknowledged from John Yates & Thomas Snoden Attorneys of Thomas Evans & Mary his wife to John Anderson Attorney of Jeremiah Goodridge.

Upon petic̄on of James Thigpen praying that a Road may be clear'd to the Ferry out of the High Road

Ordered that the sd Thigpens Petic̄on be ejected.

John Shawe acknowledges an assignmt of A Pattent to James Nuby & Orderd to be recorded.

Richd Rose acknowledges an Assignmt of a Draught of Land to Benjamin Nicholson.

RALPH FFLETCHER
FRANCIS FOSTER
WILLIAM BARCLIF
JOHN STEPNEY.

Pequimins—ss Att a Court held att the House of Dennis Macclendon in Pequimins River ye 11th Day of July Anno Dni 1704

p'sent The Worpll Ralph Fletcher
The Worpll Francis Foster
The Worpll Wm Bartlett
The Worpll John Stepney
} Esqrs Justices

Thomas Cartwright acknowledges a Tract of Land to Samll Wright & Ordered to be recorded

A power of Attorney from Richd Nowell to John Winbury provd by the Oaths of Wm Jackson & Mr Francis Foster

An Assignm^{t} of A pattent from John Winbury Attorney of Richd Nowell to Wm Jackson & ordered to be recorded.

An Assignm^{t} of a Pattent from Wm Jackson to Richd Nowell & ordered to be recorded

Wm Williams makes Oath to an Inventory of George Fletchers Estate.

A power of Attorney from Coll Wm Wilkinson to Thomas Snoden.

By a Reference from the last Court Coll Wm Wilkinson by Tho: Snoden his Attorney Comes to prosecute his Suite ag^{t} David Harris in a plea of Deb^{t} for four pounds seventeen Shillings & Six pence half pork & half Corne And the Def^{t} Confesses Jugdgm^{t} for the Same.

Order'd that David Harris pay unto Coll^{ll} William Wilkinson the Sume of four pounds Seventeen Shillings & Six pence with Costs als Execucon.

Mr Frederick Jones by Mr Peter Godfrey his Attorney Comes to prosecute his Suite ag^{t} Thomas Horton als Houghton in a plea of Debt for two pounds Nyne Shillings & Eight pence payable in Corne or porke And the Def^{t} produces A Coppy of the Writt & pleads it insufficient to compell him to make answer

Order'd that the acc̄on be dismist & the pl^{t} pay Costs.

Mr Frederick Jones by Mr Peter Godfrey his Attorney Comes to prosecute his Suite ag^{t} John Gray in A plea of Debt for two pounds tenne Shillings & three pence payable in Corne or porke And the Def^{t} Comes and Confesses

Order'd that John Gray pay unto Mr Frederick Jones two pounds tenne Shillings & three pence wth Costs als Execuc̄on.

Wm Morgan comes to prosecute his Suite ag^{t} David Harris in A plea of the Case upon Defamac̄on for Scandalizing & aspersing the pl^{t} wth these words vizt Thee art A Rogue & Ile prove itt And the Def^{t} comes & pleads Justificac̄on & Casts himselfe upon Country & the pl^{t} likewise. And the Marshall is required to Cause to Come twelve true & lawfull men &c who neither &c To whom &c By whom the matter may be found And there came Mr Dennis Macclendon Mr John Anderson Mr Archibald Holmes Mr John Yates Mr Wm Hall Mr Daniel Hall Mr Wm Branch Mr James Foster Mr Wm Lacy Mr John Willoughby Mr Wm Jackson & Mr Wm Williams who Impanelld & Sworn Say wee of the Jury find for the pl^{t} wth one Shilling Damage wth Cost of Suite.

Orderd That David Harris pay unto Wm Morgan one Shilling wth Costs of Suite als Execuc̄on.

A will of Gregory Garfott prov'd by the oath of Thomas Houghton & the Subscription of Francis Tomes Jun.

A Tract of Land acknowledged by James Anderson & deborah his wife to John Valleway & Ordered to be recorded.

An Assignm^{t} of A Deed of Sale from Anthony Haskett Sen & Tabitha his wife to Anthony Haskett Jun. & ordered to be recorded.

Upon Peticon of Frances Phelps widdow for Administracon on the Estate of Cuthbert Phelps Deced

Ordered that Administracon of the S^{d} Phelps Estate be granted to the peticon^{r}

And that Anthony Alexander John Jennett Willm̄ Ludford & Obadiah Fare or any three of them doe appraise the S^{d} Estate and that the S^{d} Frances Phelps bring in an Inventory thereof according to Law.

Judith Clark by Caleb Caleway her attorney Comes to prosecute her Suite ag^{t} John White & Alice his wife Deft^{s} in A plea of the Case upon Defamac̄on for aspersing & Scandalizing the p^{lt} in these words vizt You (meaning the pl^{t}) are A whore & Ile prove you one And for plea the Def^{ts} by Thomas Norcom their Attorney Say the pl^{ts} Declarac̄on is not firm or valid in law to compell them to make answer. And the opinion of this Court is That the Deft^{s} plead to the ac̄con And for plea the Def^{ts} plead Justificacon & Cast themselves upon the Country & the pl^{t} likewise And the Marshall is required to Cause to Come twelve true & lawfull men &c To whom &c who neither &c by whom &c And there came Mr Dennis Macclendon Mr John Anderson Mr Archibald Holmes Mr John Yates M^{r} Wm̄ Hall, Mr Daniel Hall M^{r} Wm̄ Branch Mr James Foster M^{r} Wm̄ Lacy Mr John Willoughby M^{r} Wm̄ Jackson M^{r} Wm̄ Williams who Impanell'd & Sworn Say wee of the Jury find noe Cause of ac̄con.

Orderd that the p^{lt} pay costs als Execucon.

A Will of Wm Lacy Sen. prov'd by the Subscription of Wm Lacy Jun. Ordered that the Execut^{r} have probat of the Sd Will.

An assignment of a Pattent acknowledged from Archibald Holmes to Anthony Wherry & ordered to be recorded.

Wm Lacy Jun on his own behalfe & Wm Moore on the behalfe of the S^{d} Wm Lacy Jun undertakes in the penall sume of one hundred pounds for the true performance of the last will & Testam^{t} of Wm Lacy Sen deced

Thomas Norcom & Nathaniel Nicholson having given bond for the Security of Deborah Whitbys Estate Orderd that they be discharged from the S^{d} Bond and that the S^{d} Bond be null & void

Ordered that Thomas Houghton be overseer of the High wayes for ye year Ensuinge & be Impowered by a Warr^{t} to him directed. In the Room of Wm Long

Ordered that a Road be Cleerd from Lakars Creek to the usuall place and that Caleb Caleway be appointed overseer for the year ensuing in the Room of Joshua Caleway by a Warr^{t} impowering him thereto.

Wm Williams proves his Right to 50 acres of Land by the Importac̄on of himselfe

Upon Peticon of John Pricklove

Ordered that Wm Morgan pay unto John Pricklove for his attendance as an evidence ag^{t} David Harris two Shillings & Six pence wth Costs als Execucon

Upon Peticon of John Morgan

Orderd that Wm Morgan pay unto John Morgan for his attendance as an Evidence ag^{t} David Harris two Shillings & Six pence wth Costs als Execuc̄on

Upon Peticon of Ralph Fletcher Jun

Orderd that Wm Morgan pay unto Ralph Fletcher Jun for his attendance as an Evidence ag^{t} David Harris two Shillings & Six pence wth Costs als Execucon.

An assignm^{t} of a Deed of Sale from Thomas Ayres to Wm Williams & ordered to be recorded.

RALPH FFLETCHER
FRANCIS FOSTER
WILLIAM BARCLIFT
JOHN STEPNEY

Att a Court held for the p^{r}cinet of Pequimins att the House of Dennis Macclendon the 10th day of October Anno Dni 1704

p^{r}sent

The Worp^{ll} Francis Foster
James Coles
Willm Bartlett
John Stepney
Timothy Clare
} Esq^{rs} Justices

A new Comission being published the Court Satt & the members tooke the usuall oaths appointed by law

An Assignmt of A Deed of Sale from Richd Burtenshall acknowledged to David Harris & orderd to be recorded. And Priscilla his wife relinquishes her Right of Dower of the Plantacon & land Specifyed in the Sd Deed of Sale

An Assignm^{t} of a Deed of Gift from John Foster to Elizabeth his wife acknowledged to John Davenport & orderd to be recorded.

An Inventory of the Estate of Samuel Swann decēd p^{r}sented in Court & Oath made to the Same by Mary Swann Administratrix decēd's Estate & ordered to be recorded.

A Deed of Sale acknowledged from John Davenport to Alexander Raye & Ordered to be recorded.

A Deed of Sale acknowledged from Wm Bogue to Wm Nuby Isaac Wilson John Pricklove & Wm More & Orderd to be recorded

John Bateman p^{r}sents Thomas Mercer overseer of the High Wayes for the year ensuing.

Orderd that A Warr^{t} be directed to the Sd Thomas Mercer Impowering him thereto

Lawrence Megne p^{r}sents Sam^{ll} Phelps overseer of the High wayes for the year Ensuing,

Orderd that A Warr^{t} be directed to the Sd Sam^{ll} Phelps Impowering him thereto

Upon Petic̄on of Nathan^{l} Sutton praying to be appointed Guardian of Richard Sutton Orphan & Son of George Sutton decēd.

Ordered that the Sd Peticon be rejected.

Ordered that Isaac Wilson & Joseph Smith Apprise A Mare of the Estate of Thomas Hancocks De^{ced} And that the same be putt in the possession of Wm White for the use of the s^{d} Hancocks Orphans and that the s^{d} Wm White give in security for the s^{d} Mare att the next p^{r}cinct Court.

A Power of Attorney from Wm Williams & Susannah his wife to Dennis Macclendon provd by the Oath of Thomas Snoden

A Deed of Sale acknowledged from Dennis Macclendon Attorney of W$\bar{m}$ Wil$^{l}\bar{m}^{s}$ & Susannah his wife to Tho: Norcom and ordered to be recorded.

An assignm^{t} of a Deed of Sale from Tho: Norcom to Thomas Snoden acknowledged in Court & orderd to be recorded.

Upon Peticon of Cap^{tn} James Coles praying to prove Rights to two hundred & Fifty acres of Land by the Importacon of himselfe John Brock, John Falconar Edward Daniel Pison & Charles an Indyan & is admitted.

FRANCIS FOSTER
JAMES COLES
WILLIAM BARCLIFT
JOHN STEPNEY.
ISAAC WILLSON
TIMOTHY CLARE

1705.

[MINUTES OF VA. COUNCIL IN ASSEMBLY. B. P. R. O. B. T. VA. 56.]

SATURDAY May 12th 1705.

The Council adjourned during pleasure

And being again mett

The Resolves of the House of Burgesses concerning the bonnds of North Carolina were read as follows

May 2d 1705.

That the best way to prevent any further encroachmts being made by the Government of North Carolina on the Inhabitants of this Colony is to make provision as soon as possible for laying out and ascertaining the Boundarys between this Government & that of North Carolina & that Comrs be appointed & impowered by his Excellency with the advice & consent of the Council to treat with such Commrs as shall be appointed by the Government of Carolina for effecting the same.

On reading the Resolve of the House of Burgesses concerning the bounds of North Carolina

Resolved

That it is the opinion of the Council that before any Treaty be had with the Government of North Carolina Mr James Minge & Mr Robert Bolling junr surveyors be derected as soon as conveniently may be privately to run the line between this Government and North Carolina proceeding according to the course mentioned in the Patent of the Lords Proprietors.

Resolved

That the said surveyors be derected to take particular notice what lands or Plantations held by Patents or Entrys under this Government may happen to be cutt off by the said line, or how far the same may happen to run, beyond the Inhabitants of this Colony.

Ordered.

That the said surveyors make report of their proceedings to his Excly & the Council that they may be the better enabled to appoint Commrs or make representation to her Majesty as they shall find expedient for the good of the Inhabitants of this Country

Ordered

That a copy of the above Resolves be sent to the Burgesses for their concurrence

Then his Excellency signed the resolves thus

I do concur with the Council in the above Resolves

FRA: NICHOLSON.

[MINUTES OF VA. COUNCIL. B. P. R. O. B. T. VA. 56.]

26th JUNE 1705

In pursuance of an Order of Council of 31st May last past Mr James Minge Surveyor this day attended his Excellency and the Council who acquainted him that being desirous to know whether the line between this Government and North Carolina if run according to the patent of the Lords Proprietors may cut off any plantations held by titles from this Government They proposed to him to take an observation at the mouth of the Weyanoake Creeke now commonly known by the name of Maherin river and thence to proceed directly westward in the latitude of 36d 30m according to the course of the Proprietors patent making his observacons at two or three more places, where he thinks most convenient for discovering the course of the said line and desired him to withdraw and consider what assistance he may want for performing that service Whereupon the said Mr Minge withdrew & having taken a Memorandum from the patent of the Lords Proprietors of Carolina returned with some proposals for his better accomplishing that service And it appearing that the said Mr Minge cannot appear therein before next November it is referred till October Generall Court (when it is probable all the gentlemen of the Council will be in Town) for consideration of such further directions as shall be found necessary for accomplishing the service now proposed. In the meantime Mr Minge is desired to keep secret the intentions of this Government in relation to the running the course of the said line And for the better concealing thereof it is Ordered that the Clerk of the Council do not issue the Order of Council of 31st May to the Surveyor of Nansemond for laying out the Maherin Indians land till Mr Minge be ready to go out with him to take the aforesd observacon that the people of North Carolina may have no other suspicion than that those Surveyors are only going about laying the Maherin Indians land.

[FROM THE VESTRY BOOK OF ST. PAUL'S PARISH, CHOWAN PRECINCT.]

At a Vestry mett at the Chappel ye 9th Day of Septr 1705:
Present

Coll Thomas Pollock	Mr Nicholas Crisp
John Ardern Esqr	Mr Wm Banbury
Wm Duckenfield Esqr	Mr Nathl Chevin
Capt Thomas Luten	Mr Edward Smithwick
Mr John Blount	

Mr Henry Gerrard presenting himself to the Vestry as a minister of the Gospel and he having the Honoble Deputy Govrs approbation is received by the Vestry into this precinct and the Said Mr. Henry Gerrard declaring that by Reason of the great Distance betwixt this precinct and pequimins and the Dirtyness of the Roads he is not able to Serve in the two precincts, and therefore is willing to attend in this precinct wholy and decline his Intentions of Serving in pequimins.

And the Church Wardens for and in Behalf of the Vestry do undertake to pay to the aforesaid Mr Henry Gerrard thirty pounds per annum at the Law directs besides these Voluntary Subscriptions hereafter mentioned to which the Several persons have Subscribed Vizt—

	£.	s	d
Coll Thomas Pollock	5:	0:	0
Wm Duckenfield Esqr	4:	0:	0
John Ardern Esqr	3:	0:	0
Mr. Edwd Moseley	5:	0:	0
Capt. Thomas Luten	1:	0:	0
Mr. Nicholas Crisp	1:	5:	0
Mr. Edward Smithwick	1:	0:	0
Mr. John Blount	1:	0:	0
Mr. Wm Banbury	0:	8:	0
Mr. Nathl Chevin	1:	0:	0
John Wheatly	0:	10:	0
Richard Rose	0:	10:	0
John Linnington	0:	15:	0
Capt David Henderson	0:	20:	0
Henry Bonner	0:	10:	0
	£25:	8:	0

It is agreed that a third part of the thirty pounds be levied and raised in the precinct in December next.

And the Vestry agrees to meet the 15th of December next.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry meeting at the Chappel. Dec ye 16. 1705

Present

Col Wm Wilkinson
John Arden. Esqe
Wm Ducenfield. Esq
Mr John Blount
Mr Edward Smithwick
Capt Thomas Leuten
Mr Richard Crisp
Mr Wm Banbury
Mr Nathl Cheven

Ordered and agreed that Col Thomas Pollock and Mr John Blount shall be church wardens for the ensuing year

And there being not a full vestry it is agreed that the Vestry meet the Second Day of January nex.

[Records of Perquimans Precinct Court.]

Peqnimins S. S. Att A Court held att the House of Dennis Macclenden in Pequimins River the 9th day of January 170$\frac{4}{5}$

P^{r}sent

The Worp^{ll}

Francis Foster
James Coles
John Stepney
Isaac Wilson
Timothy Clare
} Esq^{rs} Justices

Cap^{tn} James Coles acknowledges a Deed of Sale to John Pettiver and Orderd to be recorded

And Mary his wife relinquishes her Right of Dower to the Land Specifyed in the Sd Sale

A Bond from Cap^{tn} James Coles to John Pettiver acknowledged in Court & orderd to be recorded.

An Assignm^{t} of A Deed of Sale from John Yate to Richd Burtenshall acknowledged in Court & Orderd to be recorded And Elizabeth Yate relinquishes her Right of Dower to the p^{r}misses Specifyed in the Sd Deed of Sale.

A Deed of Sale for ten head of Cattle from Wm Willm̄s to Thomas Snoden provd & allowd of in Court & Orderd to be recorded.

John Falconar Comes to prosecute his Suite ag^{t} Edwd Berry in a Plea of Debt for Four Hundred Forty and Three pounds of good Merchantable Tobacco & Cask And for Plea the Def^{t} by Thomas Norcomb his Attorney Sayth he is not indebted in the Quantity of Tobacco & Cask afores^{d} And A Bill produced and no power incerted in the Bill nor the Same Assigned A Non Suite is Granted for the Def^{t} upon his motion And Orderd that the pl^{t} pay Costs als Exō.

Coll^{l} Willm̄ Wilkison & Hester his wife by Thomas Snoden their Attorney Come to prosecute their Suit ag^{t} Johannah Tayler Executrix of the last will & Testament of Wm Boyce for two Gold Rings of the

value of Forty Eight Shillings And the Marshall makes returne Non est Inventus And the pl^{t} prayes an Attachm^{t} ag^{t} the Deft^{s} Estate which is Granted.

Elizabeth Foster the wife of John Foster relinquishes her Right of Dower of A Plantac̄on Sold by her husband to John Davenport.

Anne Davenport relinquishes her Right of Dower to A Plantacon Sold by her husband to Alexander Raye

Upon Peticon of Sarah Grey Shewing that her husbands Estate is in the possession of Mr John Pettiver And praying the Same may by Order be granted unto her

Orderd that all the Estate of Thomas Gray now in the possession of Mr John Pettiver be Granted unto Sarah Gray She giving Security to the Sd Pettiver to Save him harmlesse from A Bill past by him to the peticon^{rs} husband.

A Deed of Sale from John Valleway to Danl Wright acknowledged in Court & orderd to be recorded.

And Jane his wife relinquishes her right of Dower to the p^{r}mises Specifyed in the Sd Deed of Sale

Upon Peticon of Danl Snooke praying to prove Rights for Four Hundred & Fifty acres of Land by & Importac̄on of John Williford & Jane Williford Wm Williford Sarah Williford Mary Watts Mary Avengton Phillis Love Saml Boatman & 1 Child & is admitted.

Orderd that the Constable S^{ps} Ellinor Gibbs to the next p^{r}cinct Court to answer such matters as shall be there objected ag^{t} her.

Upon Petic̄on of Dennis Macclendon praying to prove Rights to a Hundred Acres of Land by the Importacon of two persons viz^{l} Michael Downing & Habella a Negro & is Admitted.

Upon Peticon of Henry Spring praying to prove Rights to a Hundred acres of Land by the Importacon of two persons viz^{l} himself twice & is admitted.

Abraham Warren p^{r}sents Saml Charles Overseer of the High Wayes in his Room for the year Ensuing.

Orderd that he be Impowered thereunto by A Warr^{t} to him Directed.

Upon Petic̄on of Nathaniel Nicholson praying to prove an acc^{t} & is admitted.

Orderd That Mary Albertson & Nathaniel Albertson pay unto Nathaniel Nicholson as much porke as will fill A Barrell two Sows two Barrows of his wife proper marke & one Barrow Specifyed in the Inventory with Costs als Exō

Orderd that John Davenport be Constable for the year Ensuing.

Orderd That Thomas Wenslowe be over Seer of the High Wayes for the year Ensuing in the room of Sam[l] Cretchington.

Ordered that he be impowered thereunto by A Warr[t] to him Directed

Jane Morgan brought before this Court for beating abusing wounding of Elizabeth Norcomb appeares And for plea Sayth that She did not beat abuse & wound the Sd Elizabeth Norcomb in maner & forme as is alledg'd and the Sd Jane Morgan acknowledging her fault & being Sorry for the Same is Dismist paying Costs.

Upon Peti$\bar{c}$on of Mary Albertson & Nathaniel Albertson praying to prove an acc[t] ag[t] the Estate of Sarah Nicholson wth an order for the Same.

Ordered that the sd Peti$\bar{c}$on be ejected.

Ordered that Dennis Macclendon & Esau Albertson be Discharged from their bond being Security wth Mary Albertson for Sarah Harris Estate

Orderd That Rich[d] Skinner be Overseer of the High wayes for the year Ensuing in the Room of Francis Beesley.

Orderd that he be thereunto Impowered by A warr[t] to him directed.

Upon Peti$\bar{c}$on of Thomas Parker praying to be admitted to prove Rights to A Hundred Acres of Land by the Importa$\bar{c}$on of Elizabeth Parker & Lucy Parker & is Admitted & Assignes them to Henry Spring

Upon Peti$\bar{c}$on of Timothy Clare Esq[r] praying to prove A right to A Fifty acres of Land by the Importa$\bar{c}$on of Jenny A Negro is Admitted & Assignes the Same to Dennis Macclendon.

FFRANCIS FFOSTER
JA$\bar{m}$ COLES
JOHN STEPNEY
ISAAC WILLSON
TIMOTHY CLEARE

Att a Court held att the House of M[r] Dennis Macclenden the 10[th] day of Aprill 1705

p[r]sent The Worp[ll]

Francis Foster C.
Cap[tn] James Coles
W[m] Barcliffe
John Stepney
Dennis Macclendon
} Esq[rs] Justices

A new Comission being published the above members take & Subscribe to the Oaths appointed by Law.

Thomas Snoden Clerk of this Court takes and Subscribes to the Oath appointed by Law.

An assignm^{t} of a Deed of Sale from Richd Burtenshall to Andrew Reed acknowledged in Court & Ordered to be recorded and Priscilla his wife relinquishes her right of Dower to the p^{r}mises Specifyed in the S^{d} Deed of Sale

A power of Attorney from Magdalen Holmes to John Foster provd by the Oaths of Peter Worden & Alexander Raye & ordered to be recorded.

An Assignm^{t} of a Pattent from Archibald Holmes to John Foster Attorney of Magdalen his wife to Edward Wilson acknowledged in Court & Orderd to be recorded.

An assignm^{t} of a Pattent from John Norcomb to Richd Skinner acknowledged in Court & Orderd to be recorded.

And Elizabeth his wife Relinquishes her Right of Dower to the land Specifyed in the S^{d} pattent.

A Power of Attorney from Anne Raye to John Foster provd by the Oaths of Peter Worden & Edwd Wilson & Orderd to be recorded.

An assignm^{t} of a Deed of Sale from Alexander Raye & John Foster Attorney of Anne Raye his wife to Archibald Holmes acknowledged in Court & Orderd to be recorded.

A Deed of Sale from John Norcum & Elizabeth his wife acknowledged in Court & Orderd to be recorded.

A Conditionall bond from John Norcum & Elizabeth his wife acknowledged to Henry Warren & Ordered to be recorded.

A power of Attorney from Elizabeth Warren to John Foster provd by the Oaths of Archibald Holmes & peter Worden & Ordered to be recorded

A Deed of Sale from Henry Warren & John Foster Attorney of Elizaleth his wife to John Norcum acknowledged in Court & Orderd to be recorded.

Thomas Snoden proves an acc^{t} ag^{t} the Estate of Simon Trumbull Dec^{d} for the sum̄e of Two pounds Sixteen Shillings and nyne pence & proves the same by his Oath.

Upon Peticon of Thomas Snoden praying an Order for the Sume of Two pounds Sixteen Shillings & Nyne pence in the hands of Anne Trumbull Widdow Administratrix of the Estate of Simon Trumbull Deced. Orderd that Anne Trumbull Widdow Administratrix of the Estate of Simon Trumbull Deced pay unto Thomas Snoden the sume of Two pounds Sixteen Shillings & Nyne pence with Cost als Exō.

Co^{ll} Willm̄ Wilkison & Hester his wife by Tho: Snoden their friend come to prosecute their Suite ag^{t} Johanna Taylor Executrix of the last

Will & Testam^{t} of Willm̄ Boyce deced in a plea of the case for two Gold Rings of the value of Forty Shillings And for plea the Def^{t} by Tho: Norcum her Attorney Sayth that there is noe Legacyes due till the Just Debts are payed and putts himself upon the Country and the pl^{t} likewise and the Marshall was Comanded to cause to come twelve true & lawfull men &c To whom &c Who neither &c By whom the matter may be found and there came Mr Archibald Holmes Mr Francis Beasley Mr Henry Warren Mr Edward Wilson Mr Joseph Sutten Sen Mr Lawrence Megue Mr Henry Bonner Mr Joseph Sutten Jun Mr Andrew Reed Mr Richd Burtenshall Mr John Falconar & Mr Robt Hosea who Impanelled & Sworn Say wee of the Jury find noe case of accon. Orderd that the accon be dismist & the pl^{t} pay Costs als Exō.

Elizabeth Oates Widdow Guardian & next friend of Sarah Lilly orphan of John Lilly Deced Comes to prosecute her Suite ag^{t} Willm̄ Stewart & Elizabeth his wife in a Plea of Trespasse for killing a Cow Calfe To her Damage Forty Shillings And for plea Elizabeth one of the Deft^{s} putts the pl^{t} to the proofe of her Declaracon & putts herself upon the Conntry And the pl^{t} likewise And the Marshall was Comanded to cause to come twelve true and lawfull men &c To whom &c who neither &c by whom the matter may be found And there came Mr Archibald Holmes Mr Francis Beesley Mr Henry Warren Mr Edward Wilson Mr Joseph Sutton Sen Mr Lawrence Megue Mr Henry Bonner Mr Joseph Sutton Jun Mr Andrew Reed Mr Richd Burtenshall Mr John Falconar & Mr Robt Hosea who Impanelld & Sworn Say wee of the Jury find for the plaintiffe. Orderd that Willm̄ Stewart & Elizabeth his wife pay Costs als Exō.

John Privett comes to prosecute his Suite ag^{t} Thomas Houghton in A plea of Debt & Complaines for four pounds payable in porke wheat or Corne And the Def^{t} came not And the pl^{t} prayes an Attachm^{t} ag^{t} the Defts Estate which is granted.

John Privett proves a Bill of four pounds payable from Thomas Houghton to the s^{d} John Privett by the oaths of Thomas Clarke & John Falconar.

Upon peticon of Henry Bonner praying the Estate of Deborah Whitby his now wife out of the hands of Dennis Macclendon Guardian of the S^{d} Deborah.

Orderd that Dennis Macclendon deliver unto the peticon^{r} all the Estate of Deborah the peticon^{rs} now wife into the hands & Custody of the peticon^{r}.

Upon Peticon of John Falconr praying allowance for his Attendance as Evidence for John Privett agt Thomas Houghton. Ordered that John Privett pay unto John Falconar allowance as ℔ Act of Assembly for one Dayes Coming & going & one days Attendance.

FFRANCIS FFOSTER
JAm COLES
WILLIAM BARCLIFT.

JOHN STEPNEY
DENNIS MACKLANDIN

Att A Court held at the House of Mr Dennis Macclendon in Pequimins River the tenth day of July Anno Dni 1705

Prsent the the worpll Francis Foster
Captn James Coles
Willm Bartlett
John Stepney
Dennis Macclendon
Willm Stephens
Esqrs Justices

Willm Stephens Esqr one of the Members of this Court takes & Subscribes to the Oath appointed by Law.

Thomas Houghton Deputy Marshall takes & Subscribes to the Oath appointed by Law

Esau Albertson by Thomas Snoden her Maties Attorney Generall & procuratr for the Lords propriets Exhibitts an Informacon agt Mary Evans upon breach of the Act Entitled An Act agt Fornicacon & Adultery And the Sd Mary Evans appears & Confesses the Informacon & is willing to pay the fine Specifyed in the Sd Act with Costs.

Ordered That Mary Evans pay Fifty Shillings to the uses Specifyed in the Sd Act with Costs als Exo.

A Deed of Sale from Esau Albertson to Mary Rookes acknowledged in Court & Ordered to be recorded.

As Assignmt of A Pattent from Ezekiell Maudlin to Timothy Clare acknowledged in Court & Ordered to be recorded.

And Hannah his wife relinquishes all the her right of Dower to the afores Land Specifyed in the Sd Pattent

Upon Motion of Thomas Snoden her Maties Attorney Generall to this worpll Court praying that Alexander an Indyan late Servant to Juliana Lakar and one of her Maties Subjects may be produced to this Court & lately Comitted to her Charge And the Sd Alexander being Suspected to be killed or by some means made away with by the Sd Juliana Lakar Ordered That the Marshall take into his Custody the Sd Juliana Lakar & her hold untill She shall become bound with good &

Sufficient Security for the Sd Alexander's Appearance att the next p^r^cinct Court.

John Dix Comes to prosecute his Sute ag^t^ Thomas Snoden Jun in A plea of the Case upon Defamac̄on & Complaines that the Def^t^ did utter & declare of the pl^t^ these false malitious & Scandalous words vizt you Stole Madm Walkers Hoggs & they meaning the Sd Hoggs were of her marke To his Damage Fifty pounds And for plea the Def^t^ putts the pl^t^ to the proof of his Declarac̄on And putts himselfe upon the Country And the p^lt^ likewise And the Marshall was Comanded to Cause to Come twelve true &c. By Whom &c To whom &c Who neither &c And there came Mr Thomas Long Mr Willm̄ White Mr David Harris Mr John Willoughby Mr Richd Houghton Mr Willm̄ Long Mr James Thigpen Mr Willm̄ Pagister Mr Walter Tanner Mr Richd Rose Mr Willm̄ Moore & Mr Francis Jones who Impanelled & Sworn Say wee of the Jury find for the pl^t^ twelve pence Damage with Costs of Suite

Orderd that Thomas Snoden Jun pay unto John Dix Twelve pence Damage with Costs of Suite als Exō.

Upon Petic̄on of Cap^tn^ John Hecklefield praying to be admitted to prove an acc^t^ ag^t^ the Estate of Simon Trum̄bull Dec̄d is Admitted & produces an acc^t^ ag^t^ the Estate of Simon Trumbull Dec̄d for the Sume of Four pounds Tenne Shillings & ½ & proves the Same by this Oath.

Orderd that Anne Trumbull Widdow Administratrix of the Estate of Simon Trumbull Dec̄d pay unto Cap^tn^ John Hecklefield the Sume of Four pounds Tenne Shillings & ½ als Exō.

Upon Petic̄on of John Willoughby praying to be Admitted to prove an acc^t^ ag^t^ the Estate of Simon Trumbull Dec̄d is admitted & produces an acc^t^ ag^t^ the Estate of Simon Trumbull Dec̄ed for the Sume of Twenty Shillings & ten pence & proves the Same by his Oath.

Orderd that Anne Trumbull Widdow Adm̄inistratrix of the Estate of Simon Trumbull Dec̄ed pay unto John Willoughby the Sume of Twenty Shillings & ten pence als Exō.

John Hopkins Comes to prosecute his Suite ag^t^ Patrick Eggerton in A Plea of the Case & Complaines for Six pounds payable in Wheat And for plea the Def^t^ by Edwd Smethwicke his Attorney Sayth that the pl^t^ hath noe cause of ac̄on & putts himselfe upon the Country & the pl^t^ likewise and the Marshall was required to cause to come twelve true & lawfull men &c who neither &c To whom &c By whom the matter may be found And there came Mr Thomas Long Mr Willm̄ White Mr David Harris Mr John Willoughby Mr Richd Houghton Mr James Thigpen Mr Willm̄ Pagister Mr Walter Tanner Mr Richd Rose Mr Willm̄ Moor Mr Francis

Jones & Mr John Bennett who Impanelled & Sworn Say wee of the Jury find noe Cause of Aecon.

Ordered that the accon be dismist & the plt pay Costs als Exō.

John Falconr assignee of Thomas Clarke is plt agt Thomas Houghton Deft in A Plea of Debt & Complaines for Two pounds Seven Shillings & Six pence due by Bill payable in good Sound Merchantable Porke Convenient in Yopin River And the Deft comes & confesses Judgmt for the Same

Orderd that Thomas Houghton pay unto John Falconr assignee of Thomas Clarke the Sume of Two pounds Seven Shillings & Six pence with costs als Exō.

And in barr of the aforesd Order the Deft prays all further proceedings may be stopt till A further hearing be in the Honble Court of Chancery And prayes an Appeall in to the Honble Court of Chancery which is granted.

Thomas Houghton on his own behalf & Thomas Norcum on behalf of the sd Thomas Houghton acknowledge themselves Joyntly & Severally to owe & Stand indebted unto the Lords proprietrs in the full sum of five pounds That the sd Thomas Houghton shall prosecute his appeal agt A Judgmt obtaind by John Falconr to the next Court of Chancery.

A Power of Attorney from Peter Godfrey to Isaac Wilson provd by the oath of Captn James Coles & likewise the same provd by the Oath of Robt Harman the nynth day of July 1705 & Orderd to be recorded.

Upon Petieon of Willm Stephens praying to be admitted to prove an acct agt the Estate of Simon Trumbull Deced is admitted & produces an acct agt the Estate of Simon Trumbull Deced for the Sume of Six pounds & proves the same by his Oath.

Orderd That Anne Trumbull Administratrix of the Estate of Simon Trumbull Deced pay unto Willm Stephens the Sume of Six pounds als Exs

FRACIS FOSTER
WILLIAM BARCLIFT
JOHN STEPNEY
DENIS MACKLENDIN
WILLIAM STEPHENS

PEQUIMINS ss:

Att A Court held att the House of Mr Dennis Macclendon the 9th Day of Octobr Anno Dni 1705

Prsent

The Worpll Francis Foster
John Stepney
Dennis Macclendon
Willm Stevens
} Esqre Justices

Upon Peticon of Jane Anderson praying an order for L^res^ of Aministracon on the Estate of John Anderson Dec^d^ as nearest of Kinn to the Dece^d^

Orderd that Jane Anderson have L^res^ of Administracon on the Estate of John Anderson Deced And that Isaac Wilson Dennis Macclendon & Andrew Reed apprise the afores^d^ Estate & that the s^d^ Jane Anderson bring in an Inventory of the Dece^ds^ Estate to the next p^r^cinct Court.

Thomas Houghton p^r^sents John Norcom overseer of the High wayes in his Room for the year Ensuinge.

Orderd That the Sd John Norcom be thereunto Impowered by A warr^t^ to him directed.

Upon Peticon of Cap^tn^ John Hecklefield praying l^res^ of Administration de bonis non Administratis of the Estate of Simon Trumbull deced.

Orderd that John Hecklefield have fresh l^res^ of Administracon of the Estate of Simon Trumbull Deced & That Mr Willm Bartlett John Willoughby & Francis Penrice apprise the Afores^d^ Estate if any be to be found.

Thomas Mercer p^r^sents Walter Tanner Overseer of the High Wayes in his Room for the year Ensuing.

Orderd That the Sd Walter Tanner be thereunto Impowered by A Warr^t^ to him directed.

A Deed of Sale from Willm White to Willm Targiter acknowledged in Court & Ordered to be Recorded.

A Power of Attorney from Anne White to Willm White her husband provd by the Oaths of Thomas Snoden & Patrick Eggerton & Orderd to be recorded.

Orderd that Thomas Wenslow Daniel Snooke & Thomas Lilly Severally appear att the next p^r^cinct Court.

John Hopkins comes to prosecute his Suite ag^t^ Andrew Rosse & Richd Leary Execut^rs^ of Cornelius Leary Deced in A Plea of Debt & Complaines for four pounds & ten Shillings in Clean drest fresh porke & the plt^s^ came not & John Norcom produces A Power of Attorney prov'd from the Sd Leary to the Sd Norcom

Orderd that the matter be referrd to the next p^r^cinct Court.

A Bill from Andrew Rosse & Richd Leary Execut^r^ of Cornelius Leary deced for the Sume of Four pounds & Tenne Shillings prov'd by the Oath of Thomas Norcom & left for further proof

A Deed of Sale from John Hare to John Bennett acknowledged in Court & Orderd to be recorded.

An Assignm^t^ of A Deed of Sale from John Hare to John Bennett acknowledged in Court & Orderd to be recorded.

A Power of Attorney from Sarah Hare to John Hare her Husband provd by the Oath of John Falconr & Orderd to be recorded

A Deed of Sale from John Falconr to John Gray Acknowledged in Court & Orderd to be recorded

By an Informacon of Elizabeth Exhibited agt Ellinor Mearle by Thomas Snoden her Maties Attorney Generall & Procuratr for the Lords Propriets agt Ellinor Mearle for breach of an Act Entituled an Act agt Fornicacon & Adultery And the Sd Ellinor appeard & Confesses the Informacon.

Orderd That Ellinor Mearle be punished by receiving Ten Stripes on her Back well laid on & pay Costs als Exō

And then the Court adjourns till tomorrow Morning 7 of clock.

Att 7 of Clock on Wednesday the Court meets.

Complt being made to this Court by the orphans of George Sutten decēd That Abraham Warren their Guardian hath given them Imoderate Correccon & deprived them of Competent Sustenance,

Orderd That Dennis Macclendon take into his Custody Elizabeth & Deborah Sutten two of the aforesd Orphans & all their reall & personall Estate whatsoever & be accountable for the same when thereunto legally called.

Orderd that Nathaniel Sutton take into his Care & Custody Richd Sutten one of the aforesd Orphans & all his reall & personall Estate whatsoever & be accountable for the Same when thereunto legally called.

Orderd that A Bond past by Abraham Warren, Samuel Nicholson & James Oats for the aforesd Orphans Estate be null & void to all intents & purposes.

Upon Peticon of Charles Craddock Shewing That Henry Norman detains from the peticonr one Trunk one Chest an Inkhorn & a Bible

Orderd that Henry Norman render unto the peticonr the aforesd Chest Trunk Bible & Inkhorn with Costs als Exō.

Alexander the Indyan by a Reference from the last Court comes to prosecute his suite agt Juliana Lakar in A Plea of the Case & Complains That he the plt Sometime in the Month of May in the year of our Lord God 1692 in & by A certaine writing obligations contracted to & with the Deft to Serve her the Deft the full time & terme of twelve yeares from the Date of the Sd Contract And the plt Sayth that att the end or Expiracon of the Sd terme of Twelve yeares he the plt was to be free & att Liberty And that the plt hath Servd the aforesd terme & time according to contract. And that the Deft hath detained the plt a Servt one year over and above the time Specifyed in the aforesd Contract to his Damage Tenne pounds And prays an Order for his freedom And for Plea the

Def^{t} Cometh forth & Sayth that She never did by any writing obligacon or Contract to nor with Saunders her Indyan for any terme of years nor never did assigne to any writing attained to his Freedom Soe putts him to prove that She did & throws herself upon the Country And the p^{lt} likewise And the Marshall was Comanded to Cause to Come twelve true & lawfull men of the vicinage who neither &c. To whom &c By whom the matter may be found And there came Mr Isaac Wilson Mr Timothy Clare Mr Willm White Mr Patrick Eggerton Mr Richd Davenport Mr Peter Jones Mr Willm Pargiter Mr Ralph Boatman Mr Willm Bogue Mr John Hopkins Mr Thomas Pierce & Mr Willm Moore who Impannell'd & Sworn Say wee of the Jury find for the plaintiffe with Costs of Sute.

Orderd that the plaintiffe be free from the Def^{t} and that the Def^{t} pay Costs a^{ls} Ex^{s}. And in Barr of all further proceedings the Def^{t} prays an Appeal in to the next Honble Court of Chancery which is granted.

Mrs Juliana Lakar assumes to be indebted unto his Excellency the palatine & the Lords Propriet^{rs} in the full & Just Sume of Twenty pounds & Thomas Norcom assumes in behalfe of the s^{d} Juliana Lakar in the sume of Ten pounds That She the s^{d} Juliana Lakar shall prosecute her appeal ag^{t} Alexander the Indyan to the next Honble Court of Chancery

Upon peticon of Cap^{tn} James Coles

Orderd That Thomas Snoden pay unto Cap^{tn} James Coles for his attendance as Evidence for Alexander the Indyan v Juliana Lakar with Costs a^{ls} Ex^{o}

Upon Peticon of John Old

Ordered that Alexander the Indyan pay unto the Peticon^{r} Seven Shillings & Six pence with Costs as an Evidence ag^{t} Juliana Lakara^{ls} Ex^{o}.

Upon Peticon of Richd Skinner

Ordered that Alexander the Indyan pay unto Richd Skinner Seven Shillings & Six pence as an Evidence ag^{t} Mrs Juliana Lakar with Costs a^{ls} Ex^{o}

Upon Peticon of Ralph Fletcher Jun

Orderd that Alexander the Indyan pay unto the peticon^{r} Seven Shillings & Six pence as Evidence ag^{t} Juliana Lakar with Costs a^{ls} Ex^{o}.

Upon peticon of Thomas Houghton

Orderd that Alexander the Indyan pay unto the Peticon^{r} Seven Shillings & Six pence as Evidence ag^{t} Mrs Juliana Lakar with Costs a^{ls} Ex^{o}.

Ellinor Mearle Comes voluntarily before this Court & makes oath upon the Holy Evangelist that Saml Padgett of Chowan p^{r}cinct is the only Father of a Bastard child born of her Body & further Sayth not.

FFRANCIS FFOSTER
JOHN STEPNEY
DENIS MACKLENDIN
WILLIAM STIVINS.

[HENING'S VA. STATUTES AT LARGE. VOL. 3. P. 253.]

AN ACT AGAINST IMPORTING TOBACCO FROM CAROLINA, AND OTHER PARTS WITHOUT THE CAPES OF VIRGINIA.

I. For prevention of such inconveniences and disadvantages as reasonably may be expected in a short time to fall upon the inhabitants of this colony and dominion, in the sale or shipping of their tobacco, in case like provision be not now made, as hath been heretofore, against importing or bringing tobacco hither from parts without the Capes.

II. Be it enacted, by the Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That such importation from henceforth be, and by virtue of this act remain, prohibited and forbidden; and that if any tobacco hereafter, in any-wise whatsoever shall be imported or brought from Carolina, or other parts without the Capes, into this colony and dominion, in order to be here laid on shore, sold, or shipped, the same shall be thereby forfeited and lost; one moiety to our sovereign lady the Queen, her heirs and successors, for and towards the better support of this government, and the contingent charges thereof; and the other moiety to him, her, or them, that shall inform or sue for the same in any court of record within this her majesty's colony and dominion, by action of debt, bill, complaint or information wherein no essoin protection or wager of law shall be allowed

[FROM THE MSS. RECORDS OF THE FRIENDS' MONTHLY MEETINGS IN PASQUOTANK PRECINCT.]

At a monthly meeting held at Caleb Bundys The 1st of the 1st Month 170$\frac{4}{5}$.

Friends meet &c

There was a paper signed for the clearing of friends Principles Concerning fighting wars & sheading of blood and to be set up at the Court House Door During the time of the Courts Sitting &c and also some things under it of Stephen Scotts own putting out & giving forth.

[B. P. R. O. B. T. No. Carolina. Vol. 2. B. 94.]

North Carolina—ss.

At a Council, holden at the House of the Honble Edward Moseley Esqre in Chowan, on Monday the 3rd day of December, An: Dom: 1705.

Present.

The Honble Thomas Cary Esqre Dep^{ty} Govr etc.

The Honble { Thomas Pollock, Samuel Swann, John Arderne, Edward Moseley } Esq^{rs} Lords Dep^{tys}

This Board taking into their serious Consideration that whereas the County of Bath, is now grown populous and daily encreasing, do hereby think fit and it is hereby ordered, that three Precincts be erected in the said County bounding as follows Viz^{t} The Precinct of Pamptecough, lying on the north side of Pamptecough River and beginning at Molines's Creek, and westerly to the head of the river. The Precinct of Wickham beginning at the said Molines's Creek, so including all the Lands and Rivers from said Creek to Matchepungo Bluff; and the Precinct of Archdale taking all the south side of the said river, and at present, including all the Inhabitants of Newse. And it is hereby further ordered that every of the aforesaid Precincts shall choose two Members to sit and vote in all succeeding Assembly's, pursuant to Act of Assembly.

1706.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry at the Chappel ye 3^{d} Day of Jan^{ry} 1705[6.]

Present.

Co^{ll} Wm Wilkinson	Mr John Blount
Capt Thomas Luten	Mr James Long
John Ardern Esqr	Mr Edward Smithwick
Wm Duckenfield Esqr	Mr Nathl Chevin
Capt Thomas Blount	M^{r} Wm Banbury.

It being debated whether the publick Account shall be examined Co^{ll} Pollock being absent. who is appointed one of the Church Wardens. therefore the Church Wardens who have served the Last year cannot render in their Accounts. because one of them is absent as aforesaid and so the accounts cannot be made up.

Also debated the Payment of John Dicks for Work about the pulpit the said Work not being finished, whether he shall be paid, before the Work be done. He alledging that he could not finish it for Want of Nails & Boards.

And he brings an acc^{t} for his Work six pounds.

Ordered that John Dicks be paid one pound seventeen shillings nine pence besides what he has been paid, and that he finish the work then account with the Vestry.

Whereas several scandalous reports has been spread abroad in the government of the Reverend Mr Henry Gerrard of several Debauched practices which (if true) tends highly to the dishonour of Almighty God and the scandal of the church. it is debated whether he be continued

Ordered that he continue in this precinct as a minister till the first of May next in which time it is expected by the Vestry that he use his utmost Endeavours to clear himself of these black Calumnies laid to his charge, or else he may expect Dismission.

It's agreed that if Col Thomas Pollock refuse to serve as a Church Warden he paying the Fine, shall be excused and Nathaniel Chevin shall serve in his stead with Mr. John Blount as aforesaid—

It is agreed by the Vestry Mr. Gerrard agreeing thereto that Mr Gerrard shall once in two months be fetched over to the South Shore by a Canoe and two hands from thence to begin the first monday in February and so the first monday in the month every two months, which men shall be paid by the public.

Ordered that Richard Booth be paid three pounds towards the maintainance of an orphan child left destitute by Stephen Beston.

Ordered that the collector of each District in this precinct collect of every Tythable in their and either of their Districts two shillings and Six pence with power in case of refusal and the Church Wardens do undertake for the faithful Collection and accounting for the Same in the sum of fifty pounds sterling to be levied upon their goods and Chattels in case of refusal.

[B. P. R. O. B. T. Proprieties. Vol. 29. p. 238.]

To the Queens most Excellent Majesty

May it please your Majesty

In obedience to your Majesty's order in Councill of the 20th of the last month, directing us to Enumerate to your Majesty the Several misfearances, and Illegal proceedings of the Proprietary and charter Governments in America, in Prejudice to the Trade of this Kingdom, and your

Majesty's Plantations; and the advantages and conveniencies that may arise by reduceing such Proprietary and Charter Governments under your Ma^{tys} more immediate Direction.

We humbly represent to your Majesty, That those Colonies in Generall have no ways answered the chief design for which such large tracts of Land, & such privileges and Immunities were granted by the Crown

That they have not Conformed them selves to the several acts of Parliament, for Regulating Trade and Navigation, to which they ought to pay the same obedience, and submit to the same Restrictions as the other Plantations, subject to your Majesty's immediate Government: On the contrary in most of these Proprietary and Charter (vizt Connecticut and Rhode Island) Governments the Governors have not applyed themselves to your Majesty for your Royal approbation & allowance of the said Governors, nor have taken the Oaths required by the Acts of Trade: Both which qualifications are made necessary by the late Act For preventing Frauds and Regulating abuses in the Plantations Trade.

That they have assumed to themselves a power of making Laws contrary & repugnant to the Laws of England, and directly prejudicial to Legal Trade.

That divers of them have denyed Appeals to your Majesty in Council by which not only the Inhabitants of those Colonies, but others Your Majestys Subjects, are deprived of that benfit enjoyed in the Plantations, under your Majestys immediate Government; and the parties agrieved are left without Remedy, against the arbitrary and Illegal proceedings of their Courts. That these Colonies are the refuge and retreat of Pirates and Illegal Traders and the receptacle of Goods Imported thither from Foreign parts, Contrary to Law, In return of which Commodities those of the Growth of these Colonies are likewise Contrary to Law Exported to Foreign parts; all which is much encouraged by their not admitting Appeals as aforesaid.

That they give protection to soldiers seamen and servants that Desert from other your Majesty's Plantations & do not deliver them up when reclaimed, and do also give Shelter to Malefactors who make their Escapes from other parts, without delivering them up when demanded, and great numbers of the young men leave the Plantations under your Majesty's Government where they are obliged to be industrious and pay Taxes for the Support of the Publick Charge, and maintaining the war against the French and Indians) and go to the Proprietary and Charter Governments, and are there induced to settle, chiefly for that no taxes are raised there for those necessary purposes.

That these Independent Colonies do turn the Course of Trade to the promoting and encouraging Woolen and other Manufactures proper to

England instead of applying their thoughts and endeavors to the Production of such Commodities as are fit to be encouraged in those parts according to the true design and intention of such Settlements.

That they do not in General take due care for their own Defence & Security against an Enemy, either in Building Forts or in providing their Inhabitants with Sufficient arms and ammunition against an attack; which is every day more and more to be apprehended considering how the French power increases in those parts; nor have some of them any regular Militia Established amongst them.

That these mischiefs chiefly arise from the ill use they make of the powers intrusted to them by their Charters, and the Independency which they pretend to, presuming that each Government is obliged only to Defend its self, without any consideration had of their neighbours, or of the general preservation of the whole.

That upon this Presumption they do refuse to furnish their Quota of assistance (during the War) to the other Plantations under your Ma^{tys} immediate Government, notwithstanding your Majestys repeated Commands by your Royal Letters in this behalf

That under Colour and pretence of their Charter several of them try Robberies, Murders and other Crimes; make Laws in Capital matters and punish with Death without any Legal Authority for the same.

That they have refused to submit to your Majesty's and his Royal Highness's Commissions of vice Admiralty, and for commanding their Militia, and have defeated the powers given to the Governors of your Majesty's neighbouring Colonies therein.

And whereas upon our several Representations of the great mischief arising to your Majesty's Plantations by the different value of coins, your Majesty was pleased to issue out your Royal Proclamation for settling and ascertaining the Current Rates of foreign Coins in all your Majesty's Plantations in America. We did accordingly transmit to the Several Colonies your Ma^{tys} said Proclamation and Commands that the same should be put in strict Execution in all parts; Notwithstanding which we have received Information from several of your Majesty's Governors that many of the Proprietary and Charter Governments have not complyed therewith. But that the People there have proceeded to reduce the coin by clipping to a lower value than before which is allowed to pass at any rate in order to drain your Majesty's other Plantations of their current money; So that your Majestys commands will by such means remain ineffectual untill the Several Colonies in America be so regulated as to be brought under the same Directions and Government.

We take Leave further to lay before your Majesty some particular Misfearances of several of the said Charter Governments.

* * * * * * *

Refer to the Charter Government of Mass Bay Rhode Island and Connecticut.

* * * * *

As to the advantages and Conveniences that may accrue by reducing such Proprietary and Charter Governments, Wherein we are Directed to offer our opinion to your majesty, We humbly conceive that from the aforesaid Irregular and Illegal Proceedings it will be easily Judged of what great benefit the reuniting to the Crown the Government of all these Colonies will necessarily be to your Majestys other Dominions, by the removal of those inconveniences and by the uniformity and more due Regulation of Trade, by the good Correspondency that may be Established thereby between your Majestys Several Plantations, and by the Common and mutual Defence of all, as well as by the prevention of the great and frequent oppositions that are made to Your Majestys laws & government by which means y^{r} Majestys Empire in America which is of so great an Extent will be better secured from the attempts of an Enemy and become in all respects of greater advantage to this Kingdome, and to your Majesty's Revenue arising from those parts

Which is nevertheless most humbly Submitted.

DARTMOUTH
ROB CECILL
PH: MEADOWS
WM BLATHWAYT
JOHN POLLEXFEN
MAT PRIOR

Whitehall
Janry 10th 170$\frac{5}{6}$

As to the Bahama Islands which by their situation are of very great consequence to the Trade of this Kingdom, and Safety of the Navigation from the West Indies, We have made no mention of them in this Report, for that the Proprietors not haveing been able to defend those Islands, the Spaniards about 3 years agoe with a very smal force haveing destroyed and ravaged the said Islands and Killed or Carried off all your Majesty's Subjects there, nor have the said Proprietors done any thing for resettling the same.

[B. P. R. O. PROPRIETIES. B. T. VOL. 8. O. 51.]

SECRETARY C. HEDGES TO THE COUNCIL OF TRADE.

WHITEHALL. 3d Aprill 1706.

My Lords and Gentlemen,

I send you by her Maty's Command the enclosed printed Copy of an address of the House of Lords concerning Complaints of many Inhabitants of the Province of Carolina & Merchants trading thither, against the Proprietors of that Province which you will please to consider of & to report your Opinion what Method is proper to be taken for the Relief of her Maty's Subjects in Carolina & the protecting them in their just Rights

I am
My Lords and Gentlemen
Your most humble Servant
C. HEDGES.

[Endorsed]
Recd 9th April } 1706.
Read 10th do }

THE HUMBLE ADDRESS OF THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL IN PARLIAMENT ASSEMBLED, PRESENTED TO HER MAJESTY ON WEDNESDAY THE THIRTEENTH DAY OF MARCH, 1705. RELATING TO THE PROVINCE OF CAROLINA, AND THE PETITION THEREIN MENTIONED. WITH HER MAJESTIES MOST GRACIOUS ANSWER THEREUNTO. LONDON, PRINTED BY CHARLES BILL, AND THE EXECUTRIX OF THOMAS NEWCOMB, DECEAS'D; PRINTERS TO THE QUEENS MOST EXCELLENT MAJESTY. 1705.

DIE MERCURII 13 MARTII, 1705.

It is ordered by the Lords Spiritual and Temporal in Parliament assembled, that the Lord Keeper of the Great Seal of England, do give Order, that the address of this House, presented to Her Majesty, relating to the Province of Carolina, and the Petition therein mentioned, with

Her Majesties most gracious Answer to the said Address, be forthwith printed and published.

The humbre address of the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

DIE MARTIS 12 MARTII, 1705

We your Majesties most dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament Assembled, beg leave to inform your Majesty, that a Petition from Joseph Boone merchant, in behalf of himself, and many other Inhabitants of the Province of Carolina, and merchants of London trading thither, having been presented to this House, complaining of very great Abuses and Oppressions under which your Majesties Subjects in that Province do at present labour, and which tend to the utter destruction of that Plantation, and particularly of two Acts lately passed in the Assembly there, the Ratifications of which have been signed and sealed in England by the greater part of the Proprietors of the said Colony. We thought ourselves obliged to cause the said Acts to be brought before us; and having at the request of the Lord Granville, Palatine of the Province, and of the Lord Craven, one of the Proprietors, heard Councel and Defence of the said Acts, and examined Witnesses in Relation to that matter, the House proceeded to enter upon a particular consideration of the two Acts: And it appeared to us, that by the first of the Acts complained of, a Commission consisting of Twenty Laymen, was erected with Power in an arbitrary manner, to remove & turn out any Rectors or Ministers of the Church of England from their Benefices for any Immorality or Imprudence or for incurable Prejudices or Dissensions between such Rectors or Ministers and their People, only by delivering a Writing to them, or leaving it at their Houses, or fixing it upon the church doors, whereby it should be declared that they ceas'd to be Rectors or Ministers of such Parishes. The other Act directly asserts that by the Law of England, all Members of Parliament are obliged to receive the Sacrement according to the Rites of the Church of England; and does therefore enact, that no man who shall be chosen a member of the Comons House of Assembly in Carolina, shall be permitted to sit there, who has not received the Sacrement in such manner, within a year before his Election, unless he will swear he is of the Profession of the Church of England, & did not abstain from the Sacrement out of dislike to the Manner and Form of the Administration used in the Church of England, and has not for a year passed been in Communion with any Church, that does not conform to the Church of Eng-

land, but upon such Oath he shall be qualified to sit as if he had received the Sacrement, as prescribed by the Act. The Act does further provide, that if any Member should refuse to qualify himself, as is thereby directed, that there should not be a new Election, but he who had the next number of Voices to such unqualified person upon the former Poll, should be the member in his Place.

The House having fully and maturely weigh'd the Nature of these two Acts, found themselves obliged, in Duty to Your Majesty, & in justice to your subjects in Carolina (who by the express words of the Charter of Your Royal Uncle, King Charles the Second, granted to the Proprietors, are declared to be the Liege-People of the Crown of England, and to have Right to all the Liberties, Franchises & Priveleges of English-Men, as if they were born within this Kingdom, & who by the words of the same Charter, are to be subject to no Laws, but such as are Consonant to Reason, and as near as may be, agreeable to the Laws and Customs of England) to come to the following Resolutions.

First. That it is the opinion of this House, that the Act of the Assembly of Carolina, lately pass'd there, and since sign'd and seal'd by John Lord Granville, Palatine, for himself, & for the Lord Carteret, and the Lord Craven, and by Sir John Colleton, four of the Proprietors of that Province, in order to the ratifying of it, entituled, An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the erecting of Churches for the Publick Worship of God, and also for the maintenance of ministers and the building convenient houses for them, so far forth as the same relates to the establishing a Commission for the displacing the Rectors or Ministers of the Churches there, is not warranted by the Charter granted to the Proprietors of that Colony, as being not consonant to Reason, repugnant to Reason, repugnant to the Laws of this Realm, and destructive to the Constitution of of the Church of England.

Secondly. That it is the opinion of this House that the Act of the Assembly in Carolina, entituled, An Act for the more effectual preservation of the Government of this Province, by requiring all persons that shall hereafter be chosen Members of the Comons House of Assembly, and sit in the same, to take the Oaths, and subscribe the Declaration appointed by this Act and to conform to the Religious Worship in this Province, according to the Church of England, to receive the Sacrament of the Lords Supper, according to the rites and usage of the said Church lately pass'd there, and sign'd and seal'd by John Lord Granville, Palatine for himself and the Lord Craven, and also for the Lord Carteret,

and by Sir John Colleton, four of the Proprietors of that Province in order to the ratifying of it, is founded upon falsity in matter of Fact, is repugnant to the Laws of England, contrary to the Charter granted to the Proprietors of that Colony, is an Encouragement to Atheism and Irreligion, is destructive to Trade, and Tends to the depopulating and ruining the said Province.

May it please your Majesty

We your Majesties most dutiful Subjects, having thus humbly presented our Opinion of these acts, we beseech your Majesty to use the most effectual methods, to deliver the said Province from the Arbitrary Oppressions under which it now lies, and to order the authors thereof to be prosecuted according to Law.

At the same time we represent to your Majesty, how much the Powers given by the Crown have been abused by some of your subjects, justice requires us to acquaint your Majesty, that it appeared to the House, that some of the Proprietors absolutely refused to join in the Ratification of these Acts.

We humbly beg permission to inform your Majesty, That other great injustices and oppressions are complained of in the Petition but the nature of the Fact requiring a long Examination, it was not possible for the House to find time for it so near the conclusion of the Session; and therefore we presume with all Duty to lay the Petition itself before your Majesty at the same time we present this our address. We cannot doubt but that your Majesty who from the beginning of your Reign, has shown so great concern and tenderness for all your subjects, will extend your compassion to these distressed People, who have the misfortune to be at so great a distance from your Royal Person, and not so immediately under your gentle administration.

Your Majesty is fully sensible of what great consequences the Plantations are to the Crown of England and to the trade of your Subjects and therefore we rest assured, that, as your Majesty will have them all under your Royall Care, so in particular, you will be graciously pleased to find out and prosecute the most effectual means for the relief of this Province of Carolina.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The humble petition of Joseph Boone Merchant on behalf of himself and many other Inhabitants of the Province of Carolina, and also of several Merchants of London, trading to Carolina and the neighbouring Colonies of her Majesty in America.

Sheweth to your Lordships,

That the late King Charles the second by his Charter under the Great Seal of England, bearing date the twenty fourth of March 1663. Did grant to Edward Earl of Clarendon, then Lord High Chancellor of England, George, Duke of Albemarle, William Lord Craven, John Lord Berckley and others their Heirs and assigns to make Laws for the good Government of the said Colony, with the advice, assent and approbation of the Freemen of the said Colony and the greatest part of them, so as the said Laws may be consonant to Reason and as near as conveniently be agreeable to the Laws and Customs of England. But all these priviledges with others in the said Charter, are granted with an express saving of the Faith, allegiance and sovereign dominion due to the King his Heir and Successors, & saving the right, title and interest of English Subjects then planted within those Limits if any be

That for the better peopling the said Colony express provision is made in the said Charter for a Toleration and Indulgence to all Christians in the Free exercise of their Religion.

That in the yeare 1669, the Lords Proprietors of the said Colony, settled the Method of the Government of the said Colony in several articles which were called and so agreed to be, the Fundamental Constitutions of the said Colony, whereby the said Colony was divided into four Estates (viz) The Lords Proprietors or their Deputies, Landgraves Cassiques and Freeholders who are to make up their General Assembly or Parliament, which is the Legislature of the whole Colony, the Lords Proprietors or their Deputies being in the nature of Sovereign, the Landgraves and Cassiques being the Nobility who have an Hereditary Right of Session there, the Freeholders representing the commons who are to be chosen by the Freeholders from among themselves by a Majority of Voices.

That in the said Fundamental Constitutions there is an express Provision, that no person should be disturbed for any speculative opinion in Religion, and that no person should on the account of Religion be excluded from being a Member of the General Assembly or from any other Office of the Civil Administration, the greatest part of which Fundamental Constitutions and this Provision among others were in the yeare 1689. Confirmed by the Proprietors any every person to be afterwards admitted into any Office or Place of Trust, was to swear to the Observation of them.

That the said Charter being made soon after the time of the happy restoration of King Charles the Second and the reestablishment of the Church of England by the Act of Uniformity, many of the Subjects of

this Kingdom, who were so unhappy as to have some scruples about conforming to the Rites of the said Church did transplant themselves and Families into the said Colony; by means whereof the greatest part of the Inhabitants there were Protestant Dissenters from the Church of England, and through the equality and Freedom of the said Fundamental Constitutions of the said Colony, all the Inhabitants there lived in great peace, and even the Ministry of the Church of England had support from Protestant Dissenters; And the number of the Inhabitants, and the trade of the said Colony daily increased, to the great improvement of her Majesty's Customs, and the manifest advantage of the Merchants and Manufacture of this Kingdom.

That in the year 1703 when a new General Assembly was to be chosen, which by the Constitution is to be chosen once in two years, the Election was managed with very great partiality and Injustice, and all sorts of people, even servants, Negroes, Aliens, Jews and Common sailors were admitted to vote in Elections.

That the Ecclesiastical Government of the said Colony is under the Jurisdiction of the Lord Bishop of London; but the Governor, and his Adherents, have at last, which the said Adherents had often threatened, totally abolished it; for the said Assembly hath lately passed an Act, whereby Twenty Lay Persons, therein named, are made a Corporation for the Exercise of several Exorbitant Powers, to the great injury and oppression of the People in general, and for the exercise of all ecclesiastical Jurisdiction, with absolute Power to deprive any Minister of the Church of England of his Benefice not only for his immorality, but even for his imprudence or incurable Prejudices and Animosities between such Minister and his Parish; and the only Church of England Minister that is established in the said Colony, the Reverend Mr Edward Marston hath already been cited before their Board, which the Inhabitants of that Province take to be a high ecclesiastical Commission Court, destructive to the very Being and Essence of the Church of England, and to be had in the utmost detestation and abhorrence by every man that is not an enemy to our Constitutions in Church and State.

That in the said General Assembly another Act was passed to incapacitate every Person from being a Member of any General Assembly, that should be chosen for the time to come, unless he had taken the Sacrament of the Lords Supper according to the Rites of the Church of England, whereby all Protestant Dissenters are made Uncapable of being of the said Assembly, and yet by the said Act all persons who will take an Oath, that they have not received the Sacrament in any Dissenting

Congregation for one year past, tho' they have not received it in the Church of England, are made Capable of being of the said Assembly. And we take the Liberty humbly to inform your Lordships, that in the Preamble to the said Act it is asserted, that by the laws and usage of England, all Members of Parliament are obliged to conform to the Church of England by receiving the Sacrament of the Lords Supper according to the Rites of the said Church, which Assertion is notoriously and manifestly false That this Act was passed in an illegal manner by the Governors calling the Assembly to meet the 26th of April, when it then stood prorogued to the 10th of May following, and yet this Act hath been ratified by the Lords Proprietors here in England, who refused to hear what could be offered against it, and contrary to the Petition of above One hundred and seventy of the chief Inhabitants of the said Colony, and of several eminent Merchants trading thither, and though the Commons of the same Assembly quickly after passed another Bill to repeal it, which the Governor rejected.

That the said Grievances daily increasing, your Petitioner Joseph Boone is now sent by many Principal Inhabitants and Traders of the said Colony, to represent the languishing and Dangerous Condition of the said Colony, to the Lords Proprietors thereof, but his humble applications to them have hitherto had no effect.

That the Ruin of the said Colony would be to the great disadvantage of the Trade of this Kingdom, to the apparent prejudice of her Majesty's Customs and the great Benefit of the French, who watch all opportunities to improve their own settlements in those parts of America.

Wherefore your Petitioners most humbly pray your Lordships to take the deplorable State of the said Colony into your consideration, and to provide such reliefe for it, as to your Lordships in your great Wisdom shall seem proper

And your Petitioners shall ever pray &c.

JA. BALL	JOSEPH BOONE
JOSEPH PAICE	MICAJAH PERRY
STE: MASON	DANIEL WHARLEY
RT. HACKSHAW	THOMAS COUTTS
CHRISTO FOWLER	JOSEPH MARSHALL
THOMAS BYFELD	THO. GOULD
RENEN	JOHN HODGKINS
NATHANIEL SORIANO	CHRISTO BOONE

DAVID WATENBOUS.

[B. P. R. O. B. T. J. 18.]

WHITEHALL April 10th 1706.

A letter from Mr Sec. Hedges of 3rd inst referring to the Board an Address from the House of Lords to Her Maj. relating to Carolina and desiring what method is proper to be taken for the relief of Her Maj subjects there and protecting them in their just rights was read whereupon Ordered that the

[B. P. R. O. B. T. VA. 56.]

APRILL 19th 1706.

Whereas this Board are informed that one John Lynington who pretends to be Deputy Surveyor of North Carolina hath lately surveyed & laid out severall parcells of Land on the Southside of Nottoway river and that severall persons Inhabitants of this Colony have made Entry with the said surveyor for divers tracts of land as if the same were in the province of North Carolina It is ordered that the Sheriff of Prince George, Surry Isle of Wight & Nansemond County make publication throughout their respective Countys that whoever hath or shall presume to make any Entrys with the said surveyor for any lands on the Confines of this Government shall receive no Benifitt by any such Entrys and shall be further liable to be prosecuted with the utmost severity for disowning her Majesties title to the said lands and ordered that a letter be prepared to be sent to the Deputy Governor of Carolina desiring him to cause his surveyor to desist from surveying any land on or near the Frontiers of this Governmt untill the Bounds betwixt the two Governmts be ascertained and that the like Directions will be given to the Surveyors here.

[B. P. R. O. B. T. PROPRIETIES. VOL: 8. O. 60.]

Mr ATTORNEY AND Mr SOLLICITOR GENERALLS REPORT IN ANSWER TO A LETTER WRIT THEM THE 12th APRIL LAST UPON AN ADDRESS OF THE HOUSE OF LORDS TO HER MAJESTY RELATING TO CAROLINA.

To the Right Honoble the Lords Commissioners for Trade and Plantations.

May it please your Lordps

In obedience to your Lordsps commands signified to us by Mr Popple, wee have perused the Address of the Right Honoble the Lords spiritual and temporal in Parliament assembled to her Majty the 12th of March last relating to the two lawes lately passed in ye Province of Carolina and the copys we received from your Lordships of two Grants of that Province made by King Charles the second to the Duke of Albemarle and others, the one dated the 24th of March in ye 15th the other the 30th of June in the 17th year of his reign whereby is also granted to the Proprietors for ye good and happy Government of that Province, powers to make laws with the assent and approbation of the freemen there inhabiting soe as such Laws be consonant to reason and as near as may be conveniently agreable to ye Laws mentioned in the said address not being consonant to reason and being repugnant to the Laws of England are not warranted by ye said Charter But wee are humbly of opinion were made without any sufficient power or authority derived from the crown of England And therefore doe not oblige or bind the Inhabitants of that Colony and her Majesty may lawfully declare those Laws as to the matters therein contained mentioned in the said address to be null and void, and command that the same shall not be put in execution or observed And may also require and command the Proprietors and Assembly of that Province by Act of Assembly to enact and declare the same to be null and void, And wee are further of opinion that the making such laws is an abuse of the Power granted of making laws and will be a forfeiture of such power And that that power may be seized into her Majesty's hands by scire facias in ye Chancery on the Patents, or by Quo Warranto in the Queens Bench if the Laws were approved and confirmed

by the present proprietors which doth not fully appear to have been soe by the said Address.

All which is humbly submitted to your Lords[ps] great wisdom

EDW. NORTHY
SAM: HARCOURT

May 17th 1706.

(Endorsed)
Rec[d] 21. May } 1706.
Read do }

[B. P. R. O. B. T. PROPRIETIES. VOL. 8. O. 64.]

AT THE COURT AT WINDSOR THE 10th OF JUNE 1706.

Present
The Queen's Most Excell[t] Ma[ty] in Councill

Upon reading this day at the Board a Representation from the Lords Comm[rs] for Trade and Plantations, upon an Address from the House of Lords to Her Ma[ty] concerning Complaints of many inhabitants of the Province of Carolina and Merchants trading thither, against the Proprietors of that Province. Her Ma[ty] taking the same into consideration is pleased to approve of the said Representation, and accordingly having declared the Laws mentioned therein to be null and void; Doth hereby order That for the more effectuall proceeding against the said Charters by way of Quo Warranto. M[r] Attorney & M[r] Solicitor Generalls do inform themselves fully upon what may be most necessary for effecting the same, and Report the whole Matter, with their opinion therein to her Ma[ty] in Councill with all convenient speed.

A true Copy.

JOHN POVEY.

WHITEHALL. JUNE 13th 1706.

Copy of an Order in Council of 10th inst upon a Representation of 24th of last month for repealing two Laws past in Carolina approving the same and directing the Lords Proprietors to declare the said Laws null and voyd accordingly was read.

Copy of another Order of Council upon a Representation of same date directing Mr Attorney & Mr Solicitor General to report to Her Maj. what may be most necessary for proceeding against the Charters of Carolina by way of Quo Warranto was read.

WHITEHALL JULY 5th 1706.

Copy of an Order of Council of 26th of last month upon a Report from Mr Attorney & Mr Solicitor touching the more effectual proceedings against the Charters of the Provinces of Carolina and the Bahama Islands leaving the consideration of the privilege of Peers therein concerned to the determination of the House of Lords was read.

[B. P. R. O. B. T. PROPRIETIES. VOL. 8. O. 76.]

AT THE COURT AT St JAMES'S THE 26th JUNE 1706

Present

The Queen's most Excellent Majesty in Councill.

Upon reading this day at the Board a Report from Mr Attorney and Mr Sollicitor Generall, in pursuance of her Matys Order in Councill of the 10th instant, touching the more effectuall Proceedings against the Charters of the Provinces of Carolina, and of the Bahama Islands, in the nature of Quo Warranto's in her Matys's Court of Queens Bench pursuant to the Address of the Peers in Parliament made to her Maty the last session, And Mr Attorney and Mr Solicitor thereby representing, that altho' they have not sufficient Materialls to carry on the said Prosecution to an end, yet they are sufficiently informed to exhibitt the said Informations, and that the same are now preparing, and may be forthwith filed, But at the same time offering at the Board, whether the fileing such Information against a Peer in Parliament, may not be thought a Breach of the Privileges of Peerage, her Maty having taken this matter into consideration, and it being presumed, That the House of Peers are the best Judges of their own Privileges, Her Maty with the advice of Her Privy Councill doth not think fit to give any further Directions therein at present.

A true Copy

JOHN POVEY.

(Endorsed)

Recd } 5th July 1706.
Read }

[B. P. R. O. B. T. Va. 58.]

AT A COUNCIL HELD AT THE CAPITOL THE 17th OCT 1706

Present

The Hono^ble^ the President of the Council.

Whereas the Government of North Carolina do daily continue to make encroachments in the Colony by surveying Lands far within the Reputed bounds thereof. And whereas this Board are informed That Thomas Bushby of the County of Prince George, And Henry Plumpton of the County of Nansomond being men of great age and long acquainted with those bounds can give a particular account of that Creek called Weyanock which bounds that Government. It is ordered that a Commission be prepared Directed to Major Arthur Allen Mr Francis Milner Lieu^t^ Coll^o^ Thomas Milner, Capt James Lockhart and Mr Henry Jenkins, or any three of them to take examination upon oath of the said Plumpton at his House on the last Thursday of November and also to take the Examinations of such other persons as can give any evidence in Relation to the said bounds And that a Commission do also issue to Benj^a^ Harrison Charles Goodrich, John Haman Robert Bolling jun^r^ and Frances Clements Gentleman or any three of them to take the examinations or oaths of the said Thomas Busby at his house upon the first Tuesday in December and also the Depositions of any other persons they shall think proper evidences in Relation to the matter aforesaid and that notice thereof be sent to the Deputy Governor of North Carolina that he may appoint such as he shall think fitt to be present at the said examination on the part of the Government

[B. P. R. O. B. T. Virginia. Vol. 12. N. 38.—Extracts.]

PRESIDENT & COUNCIL OF VIRGINIA TO THE LORDS OF TRADE

30 August 1706

May it please Your Lordships,

* * * *

I. It is the misfortune of this Country to be bounded on the Southward by a Proprietary Government and those concerned therein are al-

ways watching opportunitys of extending there bounds to the prejudice of this Her Majestys Colony. The bounds of Carolina has for a long time been contested and some endeavours used from time to time to bring that matter to an accommodation but no progress has yet been made therein. The fresh encroachments made by that Government obliged the Burgesses of the last Assembly to address the late Governor to have the bounds laid out which had he lived we believe he would have endeavoured to oblige the Government of Carolina to agree to and to bear their proportion of that charge that must necessarily accrue thereon All that could be done in the meantime was to write to the Governor of Carolina to prohibit the like encroachments for the future untill the bounds be settled as Your Lordships will see in the Council Journals pag. 16 & 57. We shall only observe to your Lordships that while a restriction continues on her Maj. land and at the same time the Proprietors have land so near to be taken up on easier terms they will draw to them many of the inhabitants of this Colony who would otherwise be rather desirous to take land of Her Majesty.

* * * *

Y^r^ Lord^ps^ most humble & obedient Servants

E. JENINGS, Presid^t^ JAMES BLAIR.
DUDLEY DIGGES. PHILL LUDWELL
BENJ. HARRISON. Wm̄ BASSETT
ROBERT CARTER. HENRY DUKE.

[B. P. R. O. B. T. VA. 58.]

AT A COUNCIL HELD AT THE CAPITOL THE 22nd OCT^o^ 1706

Present

The Hono^ble^ the President of the Council.

Whereas Information is given to this Board that the Surveyor of North Carolina doth not only lay out and Survey Diverse Tracts of Land within the bounds of the Colony but also that he is now about Runing and Dividing Lines between the Government and Carolina beginning at the mouth of Nottoaway River far within the Known bounds of this Colony without any notice given to this Government of his proceedings And that Capt Joshua Wynne of Prince Georges County and severall others Inhabitants of this Colony have gone out as is Supposed) on pretence of takeing up Land with the said Surveyor

It is Ordered that Coll° Benj[a] Harrison do as soon as may be give Directions to such persons as he shall think fitt to go out and stop the said Surveyor from proceeding any further in Runing the said bounds or Surveying any Lands on this side of Weyanook Creek the Reputed bounds of this Colony and for the better discovery of the place where the said Surveyor is at present employed It is further ordered that the above named Capt Joshua Wynne or such other person as Cap[t] Harrison shall Discover to have been last out with the said Surveyor be summoned and Required to attend the Gent to be appointed for stopping the said Surveyor and to Conduct them to the place where he is.

[B. P. R. O. B. T. Virginia. 58.]

LETTER TO THE GOVERNOR OF NORTH CAROLINA

Virginia October 26th 1707. [6?]

S[r]

The frequent complaints made to the late Governor of this Colony and to the Councel since his death, of encroachment made by the Officers of yo[r] Government on the Inhabitants here, have induced us to think of some measures for ascertaining the boundarys between us and having lately received Information of some aged men who have been long Inhabitants in the southern parts of This Colony and may thereby be presumed to be well acquainted with the bounds of both Governments the Council have appointed Comm[rs] to take the Examinations of those persons upon Oath. who will meet in order thereto at the House of Henry Plumpton in Nansimond County on the last Thursday of November and at M[r] Thomas Busby at Prince Georges County on the first Tuesday of December next and as nothing more is intended by this Examination than that the true bounds may be discovered in order to prevent Dispute for the future I am to give you Notice hereof that if you think proper you may appoint some Gentleman to be present on the behalf of the proprietors. After which this Government will lay the whole matter before the Right Hon[ble] her Majestys principal Sec[ry] of State and Lords Comm[rs] for trade for further Signification of her Maj[tys] pleasure therein in the meantime as nothing will be acted on the part of this Government prejudicial to the propriety of Carolina so we expect the like candour and fairness from you and that any your Officers may not be permitted to disturb any that

hold Lands by Virginia patents, nor your Surveyors to run pretended Dividing lines or make Surveys in the contraverted bounds until the said bounds be by her Majtys Directions and the mutual agreement of both Governments finally adjusted and settled

Yr most humble servant

E. JENINGS

[B. P. R O. B. T. Va. 58.]

Whereas this board are informed that the Surveyor of North Carolina hath lately made Diverse Surveys within the bounds of this Government and that severall of the Inhabitants of this County have been deluded by the Specious pretence of the said Surveyors and others out of a design of Creating to themselves a Title to Diverse Tracts of Land in those parts under pretence of making Entrys for the same as under the Government of Carolina, altho the said Government can't have the least Shadow of Right thereto by any thing that appears from their charter For preventing her Majestys subjects Inhabitants of this Colony from being further imposed upon. This board hath thought fitt to publish & declare that as they Conceive her Majesty hath Right to all the Lands lying on this side of Weyanook Creek the utmost boundary of the Propriaty of Carolina, and therefore all such persons as have made any Entrys or Surveys or taken any patents from the Government of Carolina for any Lands on the Nottoway or Meherine Rivers or to the Northward of the said Weyanoak Creek are not to expect any benefit therby but that whenever the divideing Line between this Government and Carolina shall be run and Leave given for takeing up the Lands in those parts, all such Entrys will be so far from giving them any preference that such persons as have taken the same will rather be excluded from the benefit thereof as having justly forfeited the favour of the Government by Disclaiming as far as in them lyes her Majestys Title to those Lands and ordered that Publication hereof be made in all Churches Chappells or Courthouses on the South side James River and that the Respective Sheriffs take care the same be done Accordingly.

[B. P. R. O. B. T. Va. 58.]

North Carolina ye 18th November 1706

Honble S^r

Yours of the 26th of October came to my hand ℔ the Bearer late last night. I assure you there is no thing less intended by this Government than to make any encroachment on her Majestys Government of Virginia so that if any Error hath been Committed by any of the Officers It is without either our Knowledge or Direction. I will speedily lay the matter before her Maj^tys^ Council for that Province and with their advice will take all necessary care in this affair whereof you shall have account with all speed from

S^r your most humble servant

W GLOVER.

North Carolina December 10th 1706

Honble Sir

The shortness of the time between the receipt of your Letter and the Time appointed for the Examining of the Evidences therein mentioned together with the badness of the weather hindered our having some persons at the times and places; I therefore desire you to favour me with Copys of the Depositions that were taken in that matter. I have also with the Advice of the Council thought necessary to examine some of our ancient Inhabitants on the same questions and have appointed the 8th of January next at the House of Edward Moseley Esqr in Chowan where if you think fitt to appoint any persons to be present they shall be very kindly rec^d. If not I will carefully send you copies of the depositions

I am Sr your humble servant

W GLOVER

[Records of Perquimans Precinct Court.]

Pequimins—ss Att a Court held att the House of Mr Dennis Macclendon the 6th day of Jany Anno D^ni 1705–6

p^rsent

The Worp^ll Francis Foster, Cap^tn James Coles, Willm Bartliffe, John Stepney, Dennis M^cl^endon } Esq^rs Justices

78

A Deed of Sale from Arthur Carlton to Gilbert Goodale acknowledged in Court & ordered to be recorded.

A power of Attorney from Catharine Carlton to Capt John Stepney proved in Court by the oath of Thomas Snoden & Ordered to be recorded.

Rebekah Baily Comitted & now in Custody of the Marshall for the unlegally receiving Six pair of Buttons of the Estate of Mr Thomas Peterson of A certaine Negroe Woman belonging to Willm̄ Glover Esqr confesses the Same.

Ordered That the Sd Rebeka Baily be punished by receiving five Strokes on her bare back And upon the Sd Rebekah Bailyes Submission.

Ordered that she be remitted from the abovesd Order

A Deed of Sale from Francis Tomes Sen to Thomas Pierce William Bogue Isaac Wilson & Gabriell Nuby acknowledged in Court & Ordered to be recorded.

A Deed of Sale from Francis Tomes Sen. to John porter Esqr aeknowledged in Court & Orderd to be recorded.

A power of Attorney from John Porter Esqr to Isaac Wilson prov'd by the Oath of Caleb Caleway & Orderd to be recorded.

A Will of Joseph Pierce provd by the Subscripc̄ons of Timothy Cleare Thomas Wensloe Timothy Wensloe.

Isaac Wilson by his Subscripc̄on proves Rights to Twelve Hundred acres of Land by the Importac̄on of Mary Boasman Eliz: Boasman John Morris Richd Ruckman Negroe Phebe Indian Mall Negroe Patt Negro Maria James White 2 Anne Barker George Baits 2 my wife Rebekah Ratcliffe George Rice Richd Gove Simon Alderson Joseph Canerle Richd Turner Wm Barnstable John Hooks Isaac Ricks & Abraham Ricks.

Upon Petic̄on of Ralph Boasman praying to prove Eight Rights is admitted & proves Rights to Four Hundred acres of Land by the Importac̄on of himselfe 3 times for his wife for Eliz: Boasman & 3 times for Saml Boasman.

A Power of Attorney from John Cartwright to Arnold White provd by the Oath of Arthur Carlton & Ordered to be recorded.

A Deed of Sale from Arnold White Attorney of John Cartwright to Arthur Carlton acknowledged in Court & Ordered to be recorded.

Upon Petic̄on of Saml Bond praying to be admitted to prove Eight Rights is Admitted & proves Rights to Four Hundred acres of Land by the Importac̄on of Saml Bond Eliz: Bond Mercy Bond Susannah Bond Eliz: Bond Mathew Potter Sarah Johnson & Luke Grace.

Sam[l] Charles p[r]sents Nathaniel Nicholson overseer of the High Wayes in his Room for the year Ensuing,

Orderd That he be thereunto Impowered by A Warr[t] to him directed.

Caleb Calcway p[r]sents John Wyatt overseer of the High wayes in his Room for the year Ensuinge,

Orderd that he be thereunto Impowered by A Warr[t] to him directed.

By A Reference from the last Court John Hopkins Comes to prosecute his Suite ag[t] Andrew Rosse & Rich[d] Leary Execut[r] of the last will & Testam[t] of Cornelius Leary Deced in A Plea of Debt & Complaines for four pounds & Ten Shillings in Clean Drest fresh Porke And John Norcom Attorney of Rich[d] Leary appeares And for plea Sayth that the Bill is not provd according to Law & prayes A Nonsuite And the Sd Bill being provd by the Oath of Thomas Norcom,

Orderd That Rich[d] Leary Execut[r] &c pay the Sume of four pounds & ten shillings in Clean Drest fresh porke with Costs als Exō.

An Assignm[t] of A Deed of Sale from Arthur Carlton to Gilbert Goodale acknowledged in Court & Orderd to be recorded.

Rich[d] Davenport Comes to prosecute his Suite ag[t] Thomas Clarke in an acc̄on upon the Case & declares for Three pounds Five Shillings & Six pence

And the Def[t] by Cap[tn] James Coles his friend prayes a Reference to the next Court which is granted.

A Deed of Sale from John Parrish to John Nuby acknowledged in Court & Orderd to be recorded.

Upon Peticon of James Nuby praying to prove Six Rights is Admitted & proves Rights to Three Hundred acres of Land by the Importacon of John Nuby Magdalen Nuby John Nuby Eliz: Nuby & James Nuby 2 & assignes the Same in open Court to Isaac Wilson.

Upon Peticon of Sam[l] Bond praying to prove Three Rights is admitted & proves Rights to one Hundred & Fifty acres of Land by the Importac̄on of Henry Grace James Hurt & William Bruing, & assignes the Same in open Court to Isaac Wilson.

Rich[d] Houghton Comes to prosecute his Suite ag[t] Henry Norman in an acc̄on upon the Case & Complaines for Two pounds Seventeen Shillings & Eight pence And the Def[t] Came not And the pl[t] prayes an Attachm[t] ag[t] the Def[t]s Estate which is Granted.

Rich[d] Houghton produces an acc[t] ag[t] Henry Norman for the Sume of Two pounds Seventeen Shillings & Eight pence & proves the Same by his Oath.

Richd Houghton produces An Acc^{t} ag^{t} Richd Leary for the Sume of Three pounds & Ten Shillings & proves the Same by his Oath

FFRANCIS FFOSTER
JA^{m} COLES
WILLIAM BARCLIFT
JOHN STEPNEY
DENNIS MACCLENDON

PEQUIMINS ss Att a Court held att the House of Mrs Deborah Macclendon the 9th Day of July Anno Dni 1706

p^{r}sent The Worp^{ll} Cap^{tn} James Coles, Thomas Long, Josep Sutten Sen, Willm Long } Esq^{rs} Justices

The Courts Commission published the above Members take & Subscribe to the Oaths appointed by Law upon Peticon of Hannah Maudlin

Orderd that l^{res} of Administracon be Granted to the Peticon^{r} as nearest of kin to the Estate of Ezekiel Maudlin & that the same be apprised by Lawrence Megue Saml Phelps Francis Beesley & Joseph Sutten, Sutten Jun & that an Inventory thereof be returnd to the next p^{r}cinct Court.

A Deed of Sale from Francis Wells to Gabriel Nuby & Orderd to be recorded.

A Deed of Sale from David Harris to Daniell Jones & Elizabeth his wife relinquishes her Right of Dower to the land specified in the s^{d} Deed.

An Assignm^{t} of a Deed of Sale Acknowledged in Court from Tho: Snoden to John Flowers Jun.

A power of Attorney from Constance Snoden to Tho: Snoden provd by oath of Willm Long.

Thomas Portis arrested to answer the Compl^{t} of John Clarke Attorney of Robt Montfort Attorney of Willm Bird Esqr for the sume of nyne pounds by Bill and the pl^{t} came not.

Orderd that the accon be dismist & the pl^{t} pay Costs a^{ls} Ex^{o}.

Upon Peticon of James Morgan & Jane his wife

Orderd That Nathaniel Nicholson be one of the apprisors of the Estate of John Anderson dec^{d} in the stead & room of Dennis Macclendon dec^{d}

Thomas Houghton arrested to answer the Compl^{t} of Francis Beesley in a Plea of the Case for one pound two shillings & Six Pence by acc^{t} and the Def^{t} prayes a reference to the next p^{r}cinct which is Granted

Orderd that Ralph Boasman be Constable for the year Ensuing & that he be att the next p^{r}cinct Court to take the Oaths appointed by Law.

Sam[l] Phelps p[r]sents John Pricklove Overseer of the High Wayes for the year Ensuinge.

Orderd that he be thereunto Impowered by a warr[t] to him directed.

A Power of Attorney from Peter Baudry to Thomas Snoden prov'd in Court by the Oath of Willm̄ Long & Ordered to be recorded.

A Power of Attorney from John Clarke to Thomas Snoden prov'd by the Oath of John Falcon[r]

Orderd That John Parish Francis Beesley & Sam[l] Phelps be packers for this p[r]cinct & that they be Limitted as followeth viz[t] That John Parish be packer from the Head of Little River to the mouth thereof & Soe round up Pequimins River to Lillyes Creek And That Francis Beesley & Sam[l] Phelps be packers for the remainder of the p[r]cinct & that the afores[d] Packers be & repair to the next p[r]cinct Court & there take the Packers Oath appointed by Law.

Orderd That Sam[l] Phelps keep the Toll Booke att the Head of Pequimins River & that he be & appear att the next p[r]cinct Court to take the Oaths appointed by Law.

Orderd that this Court be adjourned till the 2[d] Tuesday in August next Ensuinge to the House of James Thickpen in Pequimins River & That all process be directed thereto.

JA[m] COLES
his
THO: I LONG
marke
his
JOSEPH ‡ SUTTEN
marke
his
WILLm̄ W LONG
marke

PEQUIMINS ss att a Court held att the House of James Thickpen in Pequimins River the 8[th] day of Octob[r] Anno Dni 1706

p[r]sent

The worp[ll] James Coles
John Stepney
Tho: Long
Joseph Sutten Sen
Willm̄ Long
} Esq[rs] Justices

Rich[d] Leary Deputy Marshall of this p[r]cinct takes & Subscribes to the Oaths appointed by Law.

Upon Petic̄on of M[r] James Minge praying to be admitted to prove Rights is admitted & proves Rights to one Thousand Acres of Land by

Importacon of James Minge Six times Ruth Minge Thrice Robin A Negro Four times Bob: Sam: Sue: Jane: & Doll Sam & Voll

Richd Turner by his Subscripcon proves Rights to Four Hundred & Fifty acres of Land by the Importation of Richd Turner Thrice his wife Bridgett Turner William Barnstable 2 Elizabeth Turner John Turner and John Hooks.

Hannah Mandlin Administratrix of the Estate of Ezekiel Mandlin dece^{d} produces an Inventory of the S^{d} Deceds Estate & in Court makes Oath to the Same.

Saml Charles by his Subscripcon proves R^{ts} to Two Hundred acres of Land by the Importacon of Charles Scott Mary Scott Eliz: Scott & Mary Scott

A Deed of Sale from Willm White & Anne his wife to Willm Long Assignee of Peter Baudry acknowledged in Court & Orderd to be recorded.

Richd Skinner makes oath upon the Holy Evangelist that he Stands in bodily fear of a negro call^{d} Dick belonging to M^{ris} Joannah Jeferyes.

Orderd That the Marshall take into his custody the s^{d} Negro Dick untill the s^{d} Joannah Jeffereyes become bound with good Security for the s^{d} negroes good abearance to all her Maties Liege people & especially to Richd Skinner.

Willm Felts makes Oath That he Stands in bodily fear of A Negro Calld Dick belonginge to M^{ris} Joannah Jefferyes.

Orderd that the marshall take into his Custody the S^{d} Negro Dick untill Joannah Jeferyes shall become bound with good & Sufficient Security for the S^{d} Negroes good abearance to all her Maties Liege people & especially to Willm Felts.

A power of Attorney from Robt Douglass & Anne his wife to Thomas Snoden prov'd in Court by the Oath of Willm Long & Orderd to be recorded

A Deed of Sale from Robt Douglass & Anne his wife by Tho: Snoden their Attorney unto Edwd Berry acknowledged & Orderd to be recorded.

A power of Attorney from Mary Berry to Edwd Berry her husband prov'd by the Oath of Willm Long & Orderd to be recorded.

An Assignm^{t} of A Deed of Sale from Edwd Berry to Peter Jones acknowledged in Court & Orderd to be recorded.

And Edwd Berry Attorney of Mary his wife relinquishes her Right of Dower of in & to the Land Specifyed in the S^{d} Deed

An Inventory of the Estate of John Anderson deced prov'd in Court by the Oath of James Morgan.

Ralph Boasman appointed Constable in this p^{r}cinct takes the Oath appointed by Law.

Elizabeth Fitz Garrett convict before this Court of the Breach of an Act of Assembly Intitled Servt women having bastard children for that she the s^{d} Elizabeth being Servt to Thomas Speight hath in her Servitude a Bastard Child born of her Body, contrary to the ten^{r} of the S^{d} Act & the S^{d} Elizabeth Confeses the Informac̄on.

Orderd That the s^{d} Elizabeth Fitzgarrett Serve Thomas Speight two yeares over & above the time she is to Serve according to the Ten^{r} of the s^{d} act of Assembly.

Ordered that an Infant not baptised begotten by John Morly upon the Body of Elizabeth Fitz Garrett Serve Thomas Speight his Heires & assignes for & during & until he shall attain to the Age of Twenty one yeares.

Francis Beesley by a Reference from the last Court comes to prosecute his Suite ag^{t} Thomas Houghton for the Sume of Twenty two Shillings & Six pence and the Def^{t} came not and the pl^{t} proves his acc^{t} by his Oath.

Ordered that Thomas Houghton pay to Francis Beesley the Sume of Twenty two Shillings & Six pence with Costs als Exō.

Upon Petic̄on of Saml Phelps,

Orderd That Francis Beesley pay to Saml Phelps the Sum̄e of Five Shillings as Evidence for his attendance in behalfe of the Sd Francis ag^{t} Thomas Houghton.

Saml Herst comes to prosecute his Suite ag^{t} John Flowers Jun for the Sum̄e of Twenty five Shillings And the Def^{t} Came not.

And the pl^{t} prayes an Order ag^{t} the Marshall.

Orderd that the Marshall have the Body of the Sd John Flowers Jun to the next p^{r}cinct Court als Judm^{t} to be Confirmed ag^{t} the Marshall

Richd Lerry Marshall prays an Attachm^{t} ag^{t} the Estate of John Flowers Jun which is granted.

John Hopkins Comes to prosecute his Suite ag^{t} Thomas Houghton in A plea of Debt & Complaines for the Sume of three pounds four Shillings & Seven pence in good Merchantable fresh porke by Bill And the Def^{t} Came not

And the pl^{t} prayes an Attachm^{t} ag^{t} the Def^{ts} Estate which is granted.

John Hopkins comes to prosecute his Suite ag^{t} Thomas Houghton in A plea of the Case & Complaines for the Sume of Three pounds Nyne Shilling & four pence by acc^{t} And the Def^{t} Came not And the pl^{t} prayes an Attachm^{t} ag^{t} the Deft^{s} Estate which is Granted.

A Bill from Thomas Houghton to John Hopkins for the Sume of Three pounds four Shillings & Seven pence prov'd by the Oaths of Tho: Snoden & John Bennett.

John Hopkins produces an acc^{t} ag^{t} Thomas Houghton for the Sume of Three pounds three Shillings & three pence & proves the same by his Oath.

Richd Davenport Comes to this Court & Saith he is Justly Indebted unto Tho: Snoden Sen the full & Just Sume of Twenty Six Shillings & Eight pence and Confesses judgm^{t} for the Same.

Orderd That Richd Davenport pay unto Tho: Snoden Sen the sume of Twenty Six Shilling & Eight pence with Costs of suite als Exō.

Ordered that Thomas Norcom be overseer of the High ways in the Room of Henry Norman & that he be thereunto Impowered by a warr^{t} to him directed.

Ordered That James Morgan Jun be Overseer of the High wayes in the Room of Walter Tanner & that he be Impowered thereto by a warr^{t} to him directed.

Saml Phelps & Francis Beesley appointed Packers for this p^{r}cinct refuse to take the Oath appointed by Law.

Saml Phelps appointed keeper of the Toll Booke for the p^{r}cinct of pequimins takes the Oath appointed by Law.

Orderd That Edwd Wilson be constable in the Room of John Davenport for the year Ensuinge.

JOS: his ‡ marke SUTTEN SEN

JA^{m} COLES

WILLm̄ his W marke LONG

JOHN STEPNEY

THO: his I marke LONG

[From the MSS. Records of the Friends Monthly Meetings in Pasquotank Precinct.]

At a Monthly Meeting the 4th of 5th Month 1706 at ye House of Caleb Bundy, the s^{d} Caleb Bundy requested the approbation of the Said Meeting Concerning the Building of a Meeting House between his House and William Brothers's Creek to which Friends unanimously agreed that it should be left to the Discression of the af^{sd} Caleb Bundy Stephen Scott & Henry Keton to choose a proper place and also to go through with the Building of the said Meeting House

1707.

[B. P. R. O. B. T. Va. 58.]

To Wm Glover Esqr VIRGINIA JANUARY 4th 170$\frac{6}{7}$

SIR.

I have just now received yours of the 10th of last month and should have been glad to have sent you the Copys of the Depositions desired but they are not yet returned to the Council Office. Time is now so short that it is impossible for me to send proper persons to attend at the Examinations of your Evidences which you say is to be the 10th instant. And therefore I doubt not you will let me have a copy of their Depositions with your conveniency and after the next meeting of Council (when I expect to have the Depositions of our Evidences returned) I shall endeavour to answer your desire more fully in Relation to them. I am

S^r your most humble Servant

E JENINGS.

[B. P. R. O. B. T. Va. 58.]

LETTER TO THE VIRGINIA COUNCIL

NORTH CAROLINA June 17th 1707

Honble Gent:

We received yours containing the complaints of the Maherine Indians pretending encroachments made on them by the Inhabitants of this Government &c Upon consideration of which we thought we could not better answer yours than by sending you the true state of that matter being always as willing to give all reasonable satisfaction concerning our proceedings as Zealous to assert the undoubted Right of the Lords proprietors and her Majestys Subjects of this Governments Of a long time before the memory of man the Lands on the Southside of that River which is now called Maherine were in the Rightfull possession of the Chowanoake Indians by Virtue of a Grant from the Yawpin Indians and no other Indians (as plainly appears by successive accounts of that Nation by Original Writings and undoubted evidences) has had any Right to any Land there to this day and when first the Lords Proprietors of Carolina

by Virtue of their Charter from his late Majesty King Charles the 2d took possession of this province that nation submitted themselves to the Crown of England under the Dominion of the Lords proprietors and continued peaceably till about the year 1675 about which time by incitements of the Rebelions Indians of Virginia who fled to them they committed hostility upon the Inhabitants of this Government in Violation of their Treaty Whereupon by virtue of the Authority for making peace and Warr granted to the Lords proprietors by their Charter, open war was made upon the said Indians in prosecution whereof (by Gods assistance though not without the loss of many men) they were wholly subdued and had Land for their habitation assigned them where they remained to this day so that all the tract of Land on the Southside of the Maherine River was at that Time resigned into the immediate possession of the Lords Proprietors of Carolina as of their province of Carolina and has been peaceably by them held without any Claime now thirty years during which Time the Maherine Indians removing themselves from their ancient place of habitation (where by Virtue of a Treaty with Commissioners appointed by his late Majty King Charles 2nd they were settled) placed themselves at the mouth of the Maherine River on the North side and a great part of the Tract of Land on the southside lyeing wast some of their straglers planted corne and built Cabbins on the Chowanacke old fields and continued more and more to make their Incroachments till they became an Intolerable annoyance to her Majestys subjects Commiting Repeated Injurys upon their stocks and makeing frequent affrays upon their persons as far as Moratuck River for the necessary Redressing of which growing Incroachments and preventing worse mischiefs which is daily threatened and Reasonably feared, the Government here (and which was the least that they in discharge of their duty could do) held a treaty with the Chiefs of the said Indians and instead of insisting upon satisfaction for the wrongs already done were content to make only necessary provision for the security of her Majesty's subjects for the future. In order to which it was concluded that the stragling and vagrant Indians of that Nation should remove to their town on the North side of the River that towne they should peaceably enjoy for a certaine tribute which was as we believe the first title that ever they had to it for their treaty with the Commrs aforementioned gives them no more right to the Land whereon they now dwell than it would do to Land on the Northside Potomack or the southside of Cape Feare if they should remove themselves to either of those places: and it seems to us yet more advisable and would tend

more to her Majestys service and present settlement as well of Virg[a] as of this Province that they in force of their said treaty and for preserving of their Right to their Majesty's protection by virtue of it should be compelled to return to the place of their former habitation, than that they should be suffered to possess the mouth of a navigable River considering how they have hitherto behaved themselves which we seriously Recommend to your Consideration noe need to Relate to you our Reasons for makeing the Maherine Rivér the bounds who are all very well acquainted with ye Indians planting Corne without fence so that no English can seate near them without danger of trespassing by their Cattle and Horses and which ye Indians and especially that Nation are very ready to Revenge without measure, so that the Question is not between the Right of Lewis Williams and ye Maherine Nation but whether near a hundred familys of her Majty's subjects of Carolina should be disseased of their freehold to lett a few vagrant and Insolent Indians rove where they please without any Right, and Contrary to their Agreement besides we have always thought it necessary that the Indians should live together in towns where all their young men may be under the immediate inspection of their own Govern[rs] to prevent their private mischiefs that may be more easily done and concealed in single and separate familys Your proposition concerning further settlement We in all friendship recd. but because of the uncertainty we could not proceed to make any order or proposition in answer to it till by the Copys of the Depositions to be taken on your behalf which we hoped to receive we might have certain Information how far the Contraverted Grounds was extended to us ward we knowing no bounds to Carolina but Weyanoake River till further informed intending no further to enter into that Controversie but only to Represent the Case to the Lords Proprietors in order to their laying it before her sacred Majesty Seeing no cause to doubt of the success in so clear a Case. To this we add that Lewis Williams can't be called any new settlement for he had Right to that Land some yeares agoe And he has been hindered settleing by those Indians who have dallyed with this Government from time to time by promise to Depart and at last being called to shew reason of their Delay they only could alledge that they had cleared some ground for which they desired satisfaction and Williams being willing to be in peaceable possession of his Land at any Rate Condisended to pay them a horse and fifteen bushells of corne which was all they at that time desired & the Greatest part tbey have received and ye Remainder has been tendered but upon their Return from Virginia they have Refused to receive the Remaining part and made a barbarous assault upon him in his

own house so that his Life is doubted of and his family in Danger of further trouble from which we believe it our Duty to rescue him for we can't interprett your Propositions to mean that in the mean time any of her Majestys subjects should be left to the merciless insults of savage people but that every one in the Respective Governments as they are now deemed should quietly enjoy their propertys till the matter be determined to which we readily assent and as soon as we know how far you do claime shall take all necessary order in it

We have sent you inclosed Copys of such Depositions as we have taken relateing to the bounds and desire you will send us those that have been taken by you according to your promise. We are

Your humble servants

EDWARD MOSELY W GLOVER
FRAN: FOSTER SAMUEL SWANN

North Carolina ss.

Before me Edward Mosely Esqr one of the members of the Council and Authorised to take the Depositions of certain persons relateing to the boundarys of this Government Personally Came and appeared Charles Merritt aged fifty five years or thereabouts, Who on his Oath on the Holy Evangelists taken saith that he Came into Virginia in or about the year 1666. And lived about twenty yeares on the south side James River and then lived on A Plantation of Coll^{o} Benjamin Harrisson on Blackwater and within call of the Weyanoake Indian Forte and consumed there five yeares during which time this Deponent had frequent Discourses with the Indians and was by them informed that they never Claimed to the Southward of the Maherine River But at the time that the Appachoukanough was Routed and taken for the Massacre he had committed the Weyanoakes (being his Confederates and fearing the English) removed themselves from that place which is now called Weyanoake in James River to Warraekeeks on Weyanoake River and after when the Poackyacks killed their King they were by the English brought from thence and placed on the Blackwater aforementioned as Tributarys. where this Deponent lived by them and this Deponent further saith that he was informed by the Weyanoaks that the Weyanoke River now Called Nottoway was their bounds and that they never Seated to the Southward of Warr-a-keeks

Capt at Jurat Duodecimo die J^{any} Anno Dom̄i 1707

the mark of
CHARLES P MERRITT.

Coram me Edwd Moseley

NORTH CAROLINA ss.

Before me Edward Moseley Esq[r] one of the members of the Council and being authorised to take the Depositions of Certain persons Relateing to the boundarys of the Government personally came and appeared John Smyth aged sixty two yeares or thereabouts borne in Newport Parish in the Isle of Wight Couty ab[t] fourteen miles from Blackwater River who on his Oath on the holy evangelists taken saith that he lived in Newport parish till the year one thousand six hundred seventy three or thereabouts at which time this Deponent came and lived about five miles off Blackwater and about thirty miles off Weyanoake River which was always in this Deponents memory Known to be the first River on the Right hand as you go down Blackwater till within these twenty years or thereabout the Nottoways comeing to live nearer the River than they used to do and the Weyanoakes being all declined it Gained the name of Nottoway and this Deponent further saith that he never knew or heard of any other River that was Called Weyanoak except the abovesaid by the Virginians lately Called Nottoway

JNO SMYTH

Capt and Jurat Vicessimo
primo die Januar anno 1707

Coram me EDW[d] MOSELEY

NORTH CAROLINA ss.

Before me Edward Moseley Esq[r] one of the members of the Council and being Authorized to take the Depositions of Certain persons relateing to the boundarys of this Government, personally Came and appeared Rich[d] Booth aged sixty three years or thereabouts who on his Oath on the Holy Evangelists taken saith that in or about the year 1661 this Deponent came into Virginia and served Major Merritt six years (who then lived about Twenty miles from the Weyanoake Indian Town the Weyanoks living very near a plantation that now belongs to Coll[o] Harrison betwixt Blackwater River & Weyanoake River which Weyanoake River by reason of the Declension of the Weyanoake Indians and the Nottoway Indians removing nigher to it has since in this Deponents memory gained the name of Nottoway River by the Virginians) And this Deponent further saith that in the year 1667 he being employed by one William West to go in a Canoe with Certain goods &c to the Maherine Indian Towns one Jno Browne and a certain Weyanoake Indian called Tom Frusman being in the Canoe with him as they went down Blackwater River this Deponent then being a Stranger in those parts any other than by hearesay enquired what river that was they first mett with on

their Right Hand they answered it was Weyanoake and Opposite to the Rivers mouth was a field belonging to the Weyanoakes it being then about one of the Clock in the afternoon this Deponent enquired how far it was to Maherine River they answered they should gett there before sun down which they did accordingly whereby this Deponent Computed it was about thirteen miles by Water and this Deponent further saith that he never understood that the Weyanoake Indians ever lived to the Southward of that River

Capt et Jurat Decimo RICH[d] BOOTH.
die Januar[y] Anno 1707
Coram me EDWARD MOSELY

NORTH CAROLINA ss.

Before me Edward Moseley Esq[r] one of the Council and being authorized to take the Depositions of Certain persons relateing to the boundarys of this Government.

Personally Came and appeared Jno Browne aged sixty eight yeares or thereabouts who on his Oath on y[e] holy evangelist taken saith that in the year 1659 or 60 he this Deponent came into Virginia and lived in Henrico County some years and then came to live on Blackwater River and that at that time this Deponent understood and was informed that the first River (as they went down) on the Right hand was Weyanoake River And this Deponent further saith that he never heared it called by any other name till severall years after when the Weyanoakes declining and the Nottoways removing nearer the River, and he this Deponent with severall others usually going to the Nottoways to fish first gave it the Generall name of Nottoway And this Deponent saith that at the mouth of the said river there is an old field Known at this day by the name of Weyanoake neck And this Deponent further saith that he never knew that the Weyanoake Indians ever lived lower than that River.

Capt et Jurat Decimo JNO BROWNE
die Januar Anno 1707
Coram me EDW[d] MOSELEY

NORTH CAROLINA ss.

Before me Edward Moseley Esq[r] one of the members of the Council and being authorized to take the Deposition of certain persons relating to the boundarys of this Government. Personally came and appeared William Brush aged sixty five years or thereabouts who on his Oath according to the forme of his profession taken saith that in or about the year one thousand six hundred and fifty eight or fifty nine he this De-

ponent came into Virginia and lived twenty yeares or thereabout within sixteen miles or thereabouts off Weyanoake River and about fifteen years more within twelve miles of Weyanoake River being the first River on the Right hand as you go down Blackwater River and about twelve miles above Maherine River During the Major part of which time the Deponent never heard it go by any other name than Weyanoake and this Deponent further saith that about twelve years agoe (one of this Deponents Neighbours) Nathan King took up a peice of Land lyeing opposite to the mouth of the said River which Land was Commonly said by the neighbours to lye at the mouth of Weyanoake River to distinguish it from other Land the said Nathan had and this Deponent further saith that he never knew or heard of any other Weyanoke River than that aforementioned and which by the Virginians has lately been called Nottoway by Reason the Nottoway Indians having of late been the chief dwellers near it

Capt et Jurat Vicesimo
primo die Januar Anno 1707
coram me ED^wd^ MOSELEY
September the 15th 1707

[B. P. R. O. B. T. PROPRIETORS. VOL. 9. P. 2.—EXTRACTS.]

ROB^t^ HOLDEN TO THE LORDS OF TRADE

LONDON May 21 : 1707.

May it please Your Lord^ps^

* * * *

According to your L^d^ships desire I shall touch a little upon Carolina. It has two plantations North and South Caralina. The North in which I have been in and lived some time there ; has barr^d^ Inlets into It ; which spoyles the trade of it and none but small vessells from New England and Bermoodas trades there, the soyle is more lusty than South Carolina It produceth Tobacco : Indian Corne ; English Wheat in abundance Beef ; porke ; hides ; Tarr & so consequently pitch Furs as Beaver ; Otter ; Fox and wild cat skins ; deare skins ; Tann^d^ Lether Tallow &c for druggs rabbex serpentarius : saxafrax calamus aramaticus assarebecca capillus ventris polypodium quercus &c

South Carolina ; has good Inlets ; particularly port royall so good as the Navy royall of great Britton ; may enter safely and harbour there It

produceth Rice; silk and Tobacco; sundry sortes of skins and Furrs as Neat hides Deare skins the Mexico taurus; Beaver; otter; Fox Wild catt &c Tann^{d} Lether porke & Beef in abundance in so much as her Maj^{tie} ship^{s} of Warr are victualled with It at Jamaica and in the Caribee Islands Tallow all sortes of pulse Tarr pitch Clapborde Cedarwood and all provision in such extraordinary plenty that they are able to furnish all at the Island plantations with victuals. The Towne of Trade strongly fortified well planted round with ordinance and all things provided for its defence Good force both horse and foot can be raised to offend an enemy; as well as defend itselfe at any time as lately appeared by that Noble defence it made by Sr Nathaniel Johnson the Govornour. and the growth of the Collony; which made it become so great (as this warr to be able to attack St Augustine one of the oldest fortification the Spaniards has in America and allway kept Garrisoned and had certainly cary^{d} It being Master of all the Country had. they had any bombs or great guns. And after marched some hundred of miles to Apolacka Town subdued It and brought away several prisoners with considerable booty And a great number of Indians, friendly went & came alone with them in this expedition I say the powerfullness riss from the timely supply' the Ld^{s} proprietors upon the forst settlement of it sent thither for I found them so devoted to it and in love with it all of them and most especially the late farmer Earl of Shaftesbury that which in particular expenses of settling there own plantations as in conjunct stock for supplying all the planters forst and last amounted to above thirty thousand pounds as it was computed and now reckoned one of the best plantations belonging to the Empire of great Britton I humbly pray y^{r} Ld^{ship} will be pleased to give me all the dispatch as possible in getting her Maj^{ties} approbation my suretys are ready to attend y^{r} Ld^{ships} commands and I am with all humility My Lords

Your L^{d}ships most obedient servant

ROB^{t} HOLDEN

[B. P. R. O. B. T. MARYLAND. VOL: 5. H. 41.]

COL: SEYMOUR TO THE LORDS OF TRADE.

(Extract.)

10 June 1707.

My Lords & R^{t} hon^{ble} Gentlemen

* * * * * * *

I have sent a Sloope well mann'd to North Carolina to demand some persons who have fledd hence from Justice, and to learne what Law is

made there to harbour others from paying their just debts which has occasioned great numbers to flye from this Province thither to the great detriment of Merchants in England and cheating the honest well meaning people of this Country, for if they have as I am informed made a law there to protect any person from being sued during five years. It will give a handle to many knavish people to gaine large creditt and run thither to defraud their just creditors, and not only tend to the lessening the number of taxable people here, but to the depopulating her Maj^ties^ more usefull adjacent Colonys and Plantations. And now as our Poverty increases so fresh villanys are carried on entirely to subvert the Government; When I have their answer I will transmit it to your hon^ble^ Board, and doubt not that your Lords^ps^ will find out an Expedient to have this pernicious practice stopt, otherwise many persons will go to North Carolina and her Maj^tys^ Revenue hence be suncke to a Scantling.

* * * * * * *

My Lords, your Lords^pps^ most obedient faithfull humble servant

JO: SEYMOUR.

[From the MSS. Records of the Friends' Monthly Meetings in Pasquotank Precinct.]

At a monthly meeting held at the house of Caleb Bundy the 13th of y^e^ first Mon^t^ 170$\frac{6}{7}$ The friends met at said meeting proceeding upon business makes choice of James Daws Henry Keton, Stephen Scott John Symons & Edward Mayo to give their attendance at the yearly and Quarterly Meetings of any business that friends shall require. Also Jeremiah Symons and Caleb Bundy to represent the state of our monthly Meeting to the Yearly and Quarterly Meetings.

[B. P. R. O. B. T. Maryland. Vol: 5. H. 45.]

COLL: SEYMOUR TO THE LORDS OF TRADE.

August 16th 1707.

May it please your Lordships

My last to your hon^ble^ Board was of the 10th of June last by Capt Edward Ratchbald in the Elizabeth of Liverpoole which I hope ere this has had the good fortune to Kiss your handes, and having therein ac-

quainted your Lordships, that the Proprietary Government of North Carolina had made an Act of Assembly which seemed to be of pernicious consequence to this her Ma^{tys} more usefull Plantation of Maryland, I have since taken care to procure a Copy of it, which herewith I presume to inclose to your Lord^{sps} and cannot doubt but you will be of opinion, the Encouragement & Protection therein given to the people of this Province (the generality whereof are much indebted to ye Merch^{ts} in England & others, & can have no such Expectation of protection here) is an extraordinary inducement to them to desert their Plantations and Cropps here and withdraw themselves where they may live so many years undisturbed which will not a little conduce to the lessening her Maj^{tys} Revenue of Tobaccos, if not tymely prevented by your Lordships wisdome, for I assure your Lordships many persons from this Province with their whole familys are of late years removed thither, and purely on that Score.

My Lords at the same time when I lay this, I can but think, necessary as well as true Representation before your hono^{bls} Board, I must not omitt doing the Government of Carolina the Justice to informe your Lord^{sps} that upon my application and sending a Sloope in Quest of Richard Clarke and his accomplices, those notorious disturbers of this her Maj^{ties} Government here, the Deputy Govr and the whole country exprest their utmost Resentment against those Villains as well in words as actions by endeavouring to take Clarke and actually surrendering to the person I sent on this occasion, two of his associates Daniel Wells & Charles Harrison who accompanied him thither and are now both in safe custody in this Province.

Upon Richard Clarkes first going to Carolina he called himself by the name of Robert Garratt; saying he was Sr Nathaniel Johnson's nephew, & pretended to be a Quaker, since which upon his return to this Province where he now is concealed and harboured by many of his Friends he has wrote severall Letters to me under a Quaker stile, sticking them up in the night at outhonses & dropping them in the Roads. In some he sues for pardon offering to discover the ill practices of many of his confederates, and in others he threatens to bring thirty thousand of the French Indians upon the country by Land and to direct the French to bring a Naval Force by water to invade the Province, if he is not pardoned within some small tyme which he is pleased to affix; yet notwithstanding his most equisite villany and the ill principles of many loose, idle persons among us besides the general calamity of Debts and mortgaged Estates for much more than their worth, I doubt not but to preserve

what her Majᵗʸ has been graciously pleased to comitt to my care and conduct (the Peace and Tranquility of this our Province) from any home-bred villany or other Forreign attempts and have put the country in the best posture of Defence it is at present capable of, having appointed the Officers of the Militia of the most loyall and ablest of the Inhabitants, and the public stores of arms and ammunition being now (God be thanked) pritty well supplyed and fixed. But I have some satisfaction to heare her Majesty has thought fit to send so good an officer to be my neighbour in Virginia.

The Chiefe of the Quakers here understanding Clarkes practice and that he wrote his letters in their stile, presented me the inclosed address to which I could not in justice do less than make the returne endorsed on the Back thereof.

I dare not presume by this uncertain conveyance to send your Lordᵉᵖˢ the Laws and Journalls of Assembly but will not omitt to transmitt them by the first Man of Warr which this Country has long uneasily expected and am with the highest Reguard and duty imaginable My Lords

Your most obedient humble servant

JO: SEYMOUR.

(Endorsed)
Recᵈ 8ᵗʰ Novᵇᵉʳ
Read 10ᵗʰ do: } 1707.

[B. P. R. O. B. T. Virginia. Vol. 58.—Extracts.]

VIRGINIA SS: JOURNAL OF THE COUNCIL.

At a Council held at the Capitol 2ⁿᵈ September 1707.

Whereas this Board have received information that one Coˡˡ Pollock of North Carolina with several armed men of that Province did lately in an hostile manner sett upon the Maherine Indian Settlement and having taken 36 of the said Indians prisoners kept them two days in a fort till with the excessive heat and for want of water they were almost destroyed after having broke down their cabins and committed several other outrages threatening to cut off their corn and to turn them off their land This Board taking into consideration the ill consequences of such unwarrantable proceedings not only as they respect the frightening the said Indians

from their obedience to this her Maj Govern^{t} of Virginia but irritating the said Indians to revenge themselves as well upon her Maj. subjects of this Govern^{t} as upon those of Carolina It is therefore Ordered that a letter be writt to the Deputy Govr or President and council of North Carolina asserting her Maj. right to the land upon which the Maherine Indians now live and to acquaint the said Deputy Govr or Presid^{t} & Council of North Carolina the said Indians have their dependance upon and are under the protection of this Government according to the Treatys of peace, made with them & to desire y^{r} s^{d} President & Council not to molest the s^{d} Indians until the matter of Right concerning the Lands whereon they live be determined.

Ordered, that Coll: Harrison send to the Great men of the Maherine Indians and caution them not to leave their Town upon any threatening that may be made them by the Inhabitants of Carolina and to assure them that if any disturbance be offered them by any person within that Province the Council will take care to protect them and in the mean time to Caution the said Indians that they offer no provocation to the Inhabitants of Carolina.

SEPTEMBER the 15th 1707.

Gentlemen

I am to own the receipt of yours of the 17th of June in answer to a Letter from myself and her Maj^{tys} Council of Virginia of the 30th of April proceedings in relation to the Maherine Indians. Soon after your Letter came to my hand there was a meeting of Council to whom I communicated it and the Depositions therewith sent and am now to acquaint you with our observations on both. The main design of all your Depositions is to make out that the Nottoway River and Weyanoake Creek are one and the same and on this supposition we perceive you lay the foundation of your pretended Title to the Lands in Dispute to prove that this is an Error we send you here enclosed Copys of the Depositions of Two of our ancient Inhabitants who Knew Weyanoake Creek before the Proprietary Government of Carolina had a being the persons themselves are of such honest reputations their Knowledge so ancient their Testimonys so positive that we think we have no need to Examine any other though we could have a multitude whose Knowledge of these parts are of equal Date with your witnesses and some of the best Gentlemen in the County who have known Nottoway River as long or longer and never heard it called by any other name not to mention the little credit which ought to be given to such persons whose understanding and character were Known here to be none of the best before they took shelter in Carolina.

As to the Right which you say was derived from the Yawpine Indians by Grant to the Chowanoakes and from them acquired by the Lords Proprietors by Conquest We can't apprehend it so easie a matter to ascertain what Right an Indian Nation had to such a particular Tract of Land before the memory of man their Title being as precarious as their meanes of Transmitting the same to posterity are Defective but supposeing the whole to be True which we must take Leave to doubt of till we are better satisfyed of the Validity of those imaginary Indian rritings and Records yet it will not follow that any such acquisition Could give the Proprietors a Right to Land to the Northward of Weyanoake Creek which is the bounds of the Charter and whoever maintains such a position must at the same time forget by what means the Proprietors came to have a Right to any Lands in America and that their Title to the same can be extended no further than their Grant from the Crown gives them Leave.

We admire to hear it offered that a Clandestine Treaty between the Government of Carolina and the Maherine Indians should Create a Title to their Lands or or be a pretence of exacting Tribute from them who were long before Tributary to her Majesty Dominion of Virginia by Virtue of a treaty which has the Royall Approbation And it is as Strange that the Government of Carolina should go about to prescribe bounds to those Indians in Lands which their Charter gives them no Right to at least which hath been alwayes Claimed by the Government of Virginia If the Indians had encroached upon their Neighbours who were really within the bounds of the Carolina Charter the Government of Virginia would alwayes have been ready to have redressed any such injurys and Restrained the Indians from the like practices but but no such complaints have ever been made here On the Contrary it will be found that the Government of Carolina have been the Agressors and by granting Lands to any one that would purchase it without considering whether they had Right or not so to do have endeavoured so to streighton the said Indians that they might be no longer able to subsist where they live in hopes afterwards to possess themselves of their Lands by the same Title they hold the other Lands thereabouts.

We believe it her Majestys Right to assigne Land for the Tributary Indians in any part of her Dominion of Virginia without being accountable to the Government of Carolina, and till her Majesty has Determined the Extent of the Carolina Charter. We shall not think fitt to alter their present Settlement especially since we know the Indians have possest their Lands long before Lewis Williams had any pretence of Right to his and

we cannot perceive how the Supporting the possession of those Indians can be called a disseising her Majestys subjects of Carolina of their freehold if their settling there be (as we doubt not it will appear) without any Title: for several of those hundred familys you mention would never have sought for Grants from Carolina if the patenting of the same Lands had not been Restrained here. And since we have now by the inclosed Depositions acquainted you how far we claimed on her Majᵗʸ behalf We expect the performance of your promise that no further Settlements be made there till her Majestys Determination of the bounds.

You conclude your letter with assuring us of your ready Assent that every one in the Respective Governments as they are now deemed should enjoy their Propertys till the matter be Determined. But we soon found that those were only Words of Course for it was not long after the receipt of the same Letter that Information was brought hither that one Collº Pollock of Carolina with about sixty armed men in an hostile manner sett upon the Maherine Indian towne makeing all the Indians that were therein prisoners and so keeping them pent up for two days in a small fort till with the straitness of the place the excessive heat of the weather and their want of Water they were almost famished, threatening further to burn their Cabbins and destroy their Corne if they did not remove from that place and to show that he meant to be as good as his word he pulled down some of their Cabbins and broke and destroyed such poor furniture as the Indians had therein, and to make that Action the more unaccountable (to give it no more name) the said Pollock had the assurance to affirm he had the Queens order for what he did.

Gentlemen your own Letter plainly intimates that you are not unsensible of the Maherine Indians being under his Majesty Subjection as of her Dominion of Virginia by Virtue of a Treaty Concluded with them and that they are thereby entitled to her Majestys protection It is then as plain that those Indians are not to be considered as a Nation of Savages on whom the Government of Carolina have power to Revenge injurys by force of Armes but as her Majestys Subjects who are as much under her protection as any of her Subjects of Virginia and if they have committed any Trespasses on the bodys of Lands of any who pretend themselves Inhabitants of Carolina It would have showed a greater Duty to her Majesty and tended more to the preserving of friendship and good Neighborhood between Virginia and Carolina to have made application for Redress here (where you might have been assured of speedy Juctice) than to have proceeded by way of hostility which is a method proper only for Sovereigne powers but can never be justifiable in

persons under the same allegiance. We might with as much justice treat those who possess the adjoining Lands (and pretend to belong to Carolina) with the same severity as you have used those poor Indians since we have at least as much Reason to believe them within the bounds of Virginia as you have to imagine the Maherine Indians to be within yours and have as little doubt of your Ability to effect our Resentment had not our Duty to our Majesty a greater influence on us than our Vanity to show our Power. We have always thought the matter of Right Could not be Determined but by her Majestys Royal Authority and were willing to proceed no further than we could justify to her Majesty to whom we are accountable but it seems our Lenity has been misinterpreted either for a Distrust of the Right we are prosecuting or of our ability to prevent the Rougher measures of those who have no better warrant for their intrusions than the sole consideration of their own private interest Joined with a good assurance We leave it with you to consider whether this late Action of Coll° Pollock be agreeable to that profession of friendship which you make in your Letter And if this late attempt be not the ready way to irritate those Indians to shake off their obedience to her Majesty and by bringing forreigne Indians to Revenge their Wrongs involve both us and yourselves in war and all this for no other Account but to satisfy the selfish interest of Coll° Pollock and some few insatiable people who aim at the Indians land We think ourselves obliged in her Majestys name and on Behalf of this her Majestys Colony to demand Reparation for so unwarrantable an attempt and that you'l punish Coll° Pollock and those concerned with him as such an insolence Deserves But if no such satisfaction be given us we shall then conclude he acted by your authority who have now the Administration of the Government in that province and shall so represent it to her Majesty in justification of what we shall hereafter be obliged to do in asserting . . . . and maintaining her Majestys just Title to those Lands and protecting the Indians according to the articles of peace concluded with them and we doubt not her Majestys gracious approbation of our proceedings

Signed in name of the Council by

E. JENINGS

NORTH CAROLINA, September 23d

Honble Sir

By your messenger I received yours of the 15th instant with the Depositions inclosed which I shall lay before the Governor and Council the first opportunity by this I acknowledge your favour and am

Sir your very humble Servant

W. GLOVER

[B. P. R. O. B. T. MARYLAND.]

To the Queen's most Excell^{t} Majesty
May it please your Majesty

Colonel Seymour Your Majesty's Governor of Maryland having transmitted to us the Copy of an Act lately passed in North Carolina Entitled An Act to encourage the settlement of this Country, We humbly take leave to lay the same before your Majesty, with our humble opinion thereupon.

The purport of the said Act is as follows.

That no persons that shall after the Ratification thereof transport themselves into that Province shall be arrested sued or Impleaded in any Court, or be Imprisoned for any Debt, whether the same be by bill Bond, or other Reckoning, or account whatsoever contracted before their Arrival in that Province, till & after five years after their said Arrival Excepting such as who shall be indebted to your Majesty or to the Government in which they lived before their coming thither; And it further excepts all persons transporting themselves from your Majesty's Colony of Virginia, and such who have contracted Debts within 6 months before their arrival in the said Provinces.

The said Act further provides that if any person so transporting themselves, and having had the benefit of this Act, shall depart out of that Province, and afterwards return again, shall not then receive any benefit by the said Act.

Upon this we humbly take leave to represent to your Majesty that notwithstanding the exceptions in the said Act, it appears to us to be of very pernicious consequence to your Majesty's Province of Maryland, and the other more Northern Plantations: For that the Encouragement & Protection by this Act given to such who shall retire thither is such that great Numbers of Debtors (particularly in Maryland, where the generality are much indebted to the merchants in this Kingdom) will be induced to quit their settlements and withdraw themselves to Carolina, where by virtue of this Act they may continue 5 years exempted from the payment of their just debts which mischief if not timely prevented. will very much lessen Your Majesty's Revenue in the Duty's upon Tobacco; wherein we are the more confirmed by what Your Majesty's said Governor of Maryland has writ us Viz^{t} That several families have already removed themselves thither, where they may be out of the reach of their Creditors.

We further humbly represent to your Majesty, That This Act not being Consonant to reason, nor agreeable to the Laws and Customs of this Kingdom, which the Lords Proprietors are Obliged to observe in the passing of Laws, the said Act ought to be repealed. But that Your

Majesty may be fully Apprised of this matter, We humbly lay before Your Majesty the Opinion of Your Majesty's late Attorney and Solicitor General Upon a former Act of Carolina, which Opinion we conceive applycable in All respects to the present Act Viz^{t}:

That by the Grants of that Province made by his late Majesty King Charles the second, bearing Date the 24th of March in the Fifteenth and 30th of June, in the seventeenth years of his Reign, a power of making Laws with the Assent and Approbation of the Freemen there Inhabiting, is granted to the Proprietors, for the Good & Happy Government of that Province, so as such Laws be Consonant to Reason and as near as may be conveniently agreeable to the Laws and Customs of England; And they were of Opinion that Laws not consonant to reason and repugnant to the Laws of this Kingdom, are not warranted by the said Charters, And that Your Majesty may declare those Laws to be Null & Void; That Your Majesty may Command that the same shall not be put in Execution or observed; And may also require and Command the Proprietors and Assembly of that Province by Act of Assembly to Enact & declare the same to be Null & Void. And your Majesty's said Attorney and Solicitor General were further of Opinion that the making such Laws is an Abuse of the Power Granted of making Laws, and will be a forfeiture of such Power, and that that Power may be seized into Your Majesty's hands by scire facias in the Chancery, on the Patents, or by Quo Warranto in Your Majesty's Court of Queens Bench, if the Laws were Approved and Confirmed by the present Proprietors.

Whereupon having had this matter under consideration, and concurring with the above Report of Your Majesty's said Attorney and Solicitor General; We doe humbly offer that your Majesty be pleased by your Order in Council to declare the said Law, to be null & void, and that your Majesty be further pleased to signify Your Royal pleasure to the Proprietors and Assembly of that Province, that they do not permit the said Law to be put in Execution, but to declare the same Null & Void, as was done by your Majesty's Order in Council of of the 10th of June 1706 upon the Laws therein Mentioned.

The making of such a Law We conceive to be an Abuse of the power granted to the said Proprietors, and a forfeiture of such, their Charters, Which may be Vacated by due Course of Law

All which is most Humbly Submitted

STAMFORD
DARTMOUTH
HERBERT
JOHN PULTENEY.

Whitehall Novr 12th 1707.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

MEMORANDUM. DEC Y^e^ 15th 1707.

Then the Church Wardens John Blount Esqr and Nathaniel Chevin having legally Summoned the Vestry and none appearing, since Mr William Banbury and the afore said church wardens having before encouraged Mr James Beasely to attend this Vestry in order to be established a Reader and he appearing in order thereunto, and there being no Vestry, he is willing to officiate in the Station of a Reader of Divine service, untill a Vestry shall meet and approve of and agree with him.

[B. P. R. O. B. T. Maryland. Vol. 5. H. 47.]

AN ACT TO ENCOURAGE THE SETTLEMENT OF THIS COUNTRY. [CAROLINA, NORTH.] [1707.]

Whereas it hath pleased Allmighty God so to bless and prosper the English plantacons on the maine Land of America that all the Sea Coast from the most Easterne parts of New England to the Southermost part of Carrolina with all the Ports and Harbours thereon are possest by English under the dominion of our most gracious Soverreign Lady Ann by the Grace of God of England Scotland France and Ireland Queen Defender of the faith save only one Tract of land lying in this Government which lying waste the Comunication of her Maj^ties^ Subjects by land is not only interupted but the Enemy in time of Warr and Pyrates in time of Peace have hitherto made use of the Harbours therein to careen and fitt their vessells as also to Wood and Water to the great annoyance of her Maj^ties^ Subjects trading along the Coast and the Place being inhabited (as has been lately discovered) only by some fugitive Indians under no manner of Government and living chiefly by Rapine who do murder or hold in Slavery all persons that either by Shipwrack or passing in small vessells so unhappily fall under their Power And whereas the Inhabitants of this Government by reason of their fewness are subject to the dayly Insults of the Heathen owing their Lives and safety's to the courtesy of the Heathen rather then their own strength, therefore for the more

speedy peopling the said Tract of Land and for the uniteing her Majᵗᵉ Empire in America and preventing the Enemy from Harbouring in those parts for the subdueing the Inhabitants and security of her Majᵗᶦᵉˢ Subjects trading along the sea coast as also of the Inhabitants settled in this Government we pray that it may be enacted and it is hereby enacted by his Excell: the Palatine & the rest of the true and absolute Lords Propʳˢ by and with the consent & advice of this present grand assembly and the authority thereof. And it is hereby enacted that no person or persons whatsoever who from and after ratification of this act shall transport themselves into this Government and shall continue to be an Inhabitant or Inhabitants here to plant & inhabit shall be arrested sued or impleaded in any Court or imprison'd for any debt whither the same be by Bill Bond or other recōning or accᵗ whatsoever contracted before their arrival here till and after five years after their arrival Provided allways that this act nor anything therein contained shall in no wise be constructed to protect any person or persons Indebted to our Sovereigne Lady the Queen her Heires and successors or to the public account of the place or Government where they have lived or as Guardians & Trustees for Orphans Estates nor any person or persons who shall transport him or themselves from our neighbouring Government her Majᵗᶦᵉˢ Dominions and Colony of Virginia nor any persons indebted to any of her Majᵗᶦᵉˢ Subjects living within the aforesaid Collony of Virginia who upon pretence of coming from any other place shall plead the benefitt of the said act nor any persons indebted for any wares, goods and merchandizes the effects whereof they shall bring into or otherwaise receive within this Government nor any person indebted for any debts contracted upon any account whatsoever within six months before their arrival here Provided also and it is hereby Enacted by the authority aforesaid that what person or persons so ever shall at any time hereafter transport him or themselves into this Government and having once had the benefitt of this act shall depart hence and againe afterwards transported him or themselves into this Government shall have or receive no benefitt or advantage by such his or their transportation anything herein contained to yᵉ contrary notwithstanding

(Endorsed)

Referred to in Colonel Seymours Lʳᵉ of the 16 Augˢᵗ last.

1708.

[B. P. R. O. B. T. Va. 58.]

EXAMINATION OF WITNESSES IN NANSIMUND COUNTY

Virginia—ss: 25 March 1708 (7?)

Henry Plumpton aged eighty six years or thereabouts Deposeth that he hath lived in the County now called Nansemond formerly Upper Norfolk about seventy four years and that after the Right Honble Sr Wm Barkley was made Governor of Virginia he was amongst divers others at sev^ll^ times sent out against the Southern Indians Once particularly by land under the Command of Major Gen^ll^ Bennett and once by Water under Coll Dew which to the best of his Remembrance Was about the year 1646 in which expedition he well remembers that after they had entered Corrotuck, they proceeded up the Sound to Chowan as far as the mouth of Weyanook Creek where they had a fight with the Indians and had a man killed by them And also about two years after a peace being concluded with the Indians the said Deponent with one Thomas Tuke of the Isle of Wight County and severall others made a purchase from the Indians of all the Land from the mouth of the Morratuck River to the mouth of Weyanook Creek aforesaid which the Indians then shewed them, Which the deponent knew to be the same place where the man above mentioned was Killed and lyes (to the best of his Judgement and remembrance) about twenty or twenty five miles above the mouth of Morattuck River but the Deponent never heard the Blackwater Nottaway or Maherine Rivers or either of them called by the name of Weyanook Creek

Sign'd

HENRY PLUMPTON

March the 25th 1708 (7?)

By virtue of a Commission of Dedimus potestatem to us directed from the hon^ble^ the President and Council of Virginia We the subscribers did this day meet at the house of Mr Henry Plumpton in the County of Nansimond where the said Henry Plumpton made affidavit to the truth of the within written

Sign'd AR ALLEN
FRAN MILNER
THO: MILNER
HEN JENKINS
JAMES LOCKHART

Robert Lawrence of Nansimond County aged about sixty nine years Examined and sworne saith.

That about forty seven years ago this Deponent seated a plantation on the south west side of Chowan River about three or four miles above the mouth of Morattock where he Lived about seven years, by which means he had often occassion of passing and repassing the Chowan, in which he often took notice and still very well knows a large creek on the said South west side of Chowan commonly called and known both by the English and Indians by the name of Weyanoke Creeke which creek issueth into Chowan about twenty five miles above Morattuck River mouth and according to the best of his Deponents judgment about twenty miles below the mouth of Maherine River and this Deponent further saith that he never heard either the Blackwater Nottaway or Maherine River or any other River or Creek but that above mentioned called by the name of Weyanoke Creek

Signed

ROBERT R LAWRENCE

Sworne and addressed as the former

[From N. C. Letter Book. S. P. G.]

MR. GORDON TO THE SECRETARY.

Linhaven Bay, 1st April 1708

Sir:

We are just come to anchor in Linhaven Bay, after almost three months passage and much bad weather. I find we shall get easier to North Carolina from hence than we expected, whither we design to set forward, God willing, tomorrow morning. We are just weighing again for York River, from whence it seems sloops frequently go to Carolina though the accounts I have had about the distance differ very much, some calling it seven, some fifteen, others thirty leagues, and all the Maps I have seen are equally imperfect: we have no favorable character of the Country, and it will be hard if after so much rough weather we have met with at Sea, we should have to do with rugged tempers ashore, but whatever inconveniences we find, as we shall always make the best of them, so we shall always take all care to answer to everything the good expectations (I hope) the Honorable Society has of our endeavours. I have no time

to write so fully as I would the opportunity by this ship being as sudden as accidental. Therefore I hope you'll please to excuse this abruption.

Your very humble Servant

Wm GORDON

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry at the Chappel the 18th Day of April 1708.

Present.

Wm Duckenfield Esqr	John Blount Esqr
John Ardern Esqr	Mr Edward Smithwick
Capt Thomas Luten	Mr Wm Banbury
Mr Nichl Crisp	Mr Nathl Chevin.

Mr Nathl Chevin being now removing out of this precinct and it being debated who shall serve instead of him

Agreed that Thomas Garrett Esqr shall succeed in the Room and stead of Nathaniel Chevin.

Also it being debated who shall succeed in the room and place of Capt Thomas Blount deceed—

Resolved that Edward Mosely Esqr shall succeed in the vestry in the place of Capt Thomas Blount.

It is also voted who shall succeed as a vestry man in the place of Col William Wilkinson.

It is agreed that Wm Charlton Esqr shall succeed as a vestry man in the place and stead of Col Wm Wilkinson.

And accordingly Thomas Garret and Wm Charlton Esqrs took their places in the Vestry.

Richard Booth having had an allowance of three pounds per annum for maintaining an Orphan Child of Stephen Besson's comes here and assumes to keep and maintain the child without any further charge.

This Day William Duckenfield Esqr and Mr Edward Smithwick made up their accounts in the time of their being Church Wardens and upon adjusting their accounts it appears that there is due Mr Duckenfield from the Vestry the sum of 4£: 5s: 0d

And Mr Smithwick stands indebted to the Vestry 1: 2: 6

Ordered that Mr Smithwick pay the same to Wm Duckenfield Esqr and then there will be due to him from the Vestry 3: 2: 6

John Blount Esqr and Nathl Cheven this day producing their acct of the public accounts. Upon adjusting the accounts there appears to be due to the public the sum of 6£: 6s: 8d

Ordered that Mr Crisp be paid for the use of his canoe. two shillings and six pence ℔ Nath[l] Chevin.

So the account stands thus.

John Blount and Nath[l] Chevin. Church Wardens. stands Debtors to the public for the years 1706 & 1707 6£: 6sh: 8d:

	£	sh.	d.
By Mr Crisp	0:	2:	6
By Mr Moseley	1:	2:	6
By Mr Duckenfield	3:	2:	6
	£4:	7:	6

Ordered that Phillis Dicks. widow of John Dicks. be paid by the publick the sum of two pounds besides what he hath been allowed and paid by the publick for his work on the Chapel.

On the petition of William Walston shewing that Elenor Kirkham was accommodated at the petitioner's Eighteen days. being sick and impotent and there died and was buried at the petitioners charge having no Estate prays allowance. &c.

And he presenting no account

Ordered that he appear at the next Vestry and present his account.

On petition of Madam Mary Blount for accommodating a poor, indigent man named Thomas Wright at her house, in his sickness one Week, whereof he died and was buried at her charge, prays allowance.

Orded that she be paid by the public forty shillings

Ordered that the Hono[ble] Col. Thomas Pollock and John Ardern Esq[r] shall be Church-Wardens for the Year ensuing.

Ordered that Mr. Nicholas Crisp agree with
to officiate as a Reader in the Chapel for Nine pound pr. Annum to execute in that Office and also as Clerk of the Vestry, and Mr. Nich[l] Crisp doth promise to give notice to the Inhabitants of the time when he shall begin upon that Employment.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry met at the Chappel on Wednesday the 5th day of May 1708.

Present. Church wardens.

Wm Duckenfield Esq	Mr Wm Banbury	Church Wardens.
Edward Moseley Esq	Mr Wm Charlton	
Cap[t] Thomas Luten	Mr John Pruden	
Mr John Blount		

In observance to a late act of Assembly entitled an act for electing Vestrys the said act being first read the Vestry made choice of the Reverend Mr William Gorden the Hono^{ble} presidents approbation being signified to officiate in this precinct as a minister of the gospel. It having this Day been signified to the Vestry that the Hono^{ble} Thomas Pollock declines the Office of a church Warden.

Ordered that Mr Nicholas Crisp officiate in his Room, and that the Hono^{ble} Coll Thomas Pollock pay his fine as appointed by the act. Mr William Walston having this day brought in his account for the Interment of Elinor Kirkhum and demanding thirty shillings for his trouble and charge therein, being thought a reasonable demand, is therefore allowed the same to be paid by the publick.

It is ordered that a full Vestry pay their attendance at the Chapel on tuesday the 11th of this month for the further settling of matters relating to the church.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry met at the Chappel on Tuesday the 11th Day of May 1708.

Present.

Wm Duckenfield Esqr	Mr Nicholas Crisp
Edward Moseley Esqr	Mr Wm Banbury
Mr Edward Smithwick	Mr Thomas Garret
Capt Thomas Luten	John Ardern, Esqr.

Mr John Blount

Mr. Nicholas Crisp being present and refusing to perform the Office of Church Warden——

Ordered that he pay his Fine pursuant to the act and that Mr Thomas Garret be Church Warden in his room.

It having this day been debated for the better encouragement of a Minister (for this precinct only) which is the most proper place to purchase for a Glebe it's unanimously agreed upon that the plantation now belonging to Mr Frederick Jones whereon the church now stands, is the fittest place can be thought on for that use: the tract of Land in Quantity containing five hundred acres.

It is therefore the humble Request of the Vestry that Edward Moseley Esqr (having now business into Virginia) will please to treat with Mr Frederick Jones concerning the purchase of the said Land and agree

with him for the same, provided he exceed not an Hundred pounds in Country Commodities.

Ordered that the Church Wardens endeavour to have the pulpit finished with all possible Speed as likewise the Desk and what other things belong to it as likewise to have the Church floor laid with Brick, but upon further Debate of the matter its agreed upon that the Floor shall be laid with plank as being the cheapest and most expeditious way of having it done.

There appearing upon the Adjousting of Mr John Blount's and Mr Nathaniel Chevin's account to the Vestry on the Eighteenth of April last. Mr Chevin remains Debtor to the public— £1 : sh19 : d2

Ordered that the Said £1 : s19 : d2 be paid to Mrs Mary Blount in part of forty shillings due to her by a former order.

Ordered that the Vestry meet at the Chapell the following Day to our next precinct court.

[From N. C. Letter Book. S. P. G.]

MR. ADAMS TO THE SECRETARY

Va., 10 June, 1708.

Sir :—

Mr. Gordon and I, by the good providence of God, got safe to Virginia the last day of March, from whence we went into North Carolina, and addressed ourselves to the president of the council, who received us with all respect and civility.

The country is divided into four large precincts, besides a large tract of land called Pamplico, divided into three precincts more. I am by the president and council appointed to settle in the precinct called Pascotank, and to take what care I can of the adjacent precinct of Carataук [Curratuck] beside. There is no church in Pascotank; but the people, upon my being ordered among them, have resolved forthwith to build a church and two chapels of ease, the precinct being of too great an extent to meet all at one or two places. I have been twice among the people of Caratank precinct, but could not call a vestry, some of their leading men being out of the country, and the rest unwilling to go about any church affairs till their return. I cannot propose to make them so frequent visits as the faithful discharge of my duty requires, till the extremity of the heat abates a little, which now keeps me from undertaking long and tedious journeys.

Each precinct, by Act of Assembly, allows a minister that resides among them to the value of £30, in the produce of the country, which is equivalent to £10 or £15 sterling. I found by the pious care of our new president, the posture of affairs, as to matter of religion, in a much better condition than might have been expected in a place so destitute of means. I have preached some preparatory sermons to the Lord's Supper, and find many of the people well inclined to receive the sacrament. I hope to be able to give a better account of the country and people by the London fleet. I could not get my goods to Carolina when I first arrived, bnt am come up again to Virginia to carry them down, and to set out from hence again (God willing) next morning for Carolina (blessed be God), in very good health; and hope the Almighty will enable me in some measure to answer the pious design of so many good men, which shall be the sincere and faithful endeavor of, sir,

Your most obedient and humble servant,

JAMES ADAMS.

[B. P. R. O. B. T. MARYLAND. VOL: 5. H. 74.]

COLL: SEYMOUR TO THE LORDS OF TRADE.

23rd June 1708.

(EXTRACTS.)

May it please your Lordships

* * * * * * *

Wee are dayly made sencible of the loss and removall of divers Inhabitants and residents in this Province to our neighboring Collonys of Pensilvania & Carolina; The chief notices whereto are the present Poverty of this Country, the Planters having suffered extreamly this present Warr in the Marketts being shut up so that after the numerous hazards of unseasonable weather, lack of Plants, the Fly, the ground worme the house wormes, it's being house-burnt, frostbitten, the danger of sea and our enemys, all encountered and overcome the freightes have not had near the vallue of their labour or expence of servants cloathing &c: and those who have layd out their Cropps with the Merchants in the Country, have not been able to get above three shillings and sixpence ℔ cent so that for many years last past servants and slaves have proved burthensome to many Masters and helpt by hard labour to impoverish them.

The Inhabitants of North Carolina finding in what ill Circumstances wee are, here many being indebted for more than their Stocks, made an Act of Assembly there, inviting all persons to settle with them under

the Protection of five yeares exemption from paying their debts, which has drawn many familys thither, again Pensilvania on the other hand by raising the vallue of their coynes to so extraordinary a height beyond her Maj^ties^ Royall Proclamation, and the great encouragment they give to saylors has induced many young freemen artififers and saylors to quit this Province and settle there, so that unles her Maj^ty^ be graciously pleased to lay her comands on those Governments to repeale the aforesaid Carrolina Act of Assembly and conforme themselves in lowering their coyns according to the Proclamation, there is no likelyhood of preventing her subjects continuall desertion hence to those less profitable Collonys.

As for those miserable people that are so much indebted, I know not why their deplorable circumstances should not be taken into consideration by her Majesty being pleased to recommend to the Generall Assembly an Act of Bankruptcy in their favour to acquitt them upon delivering up their all to their Credito^rs^ which is as much as can be required and that it shall be Fellony to conceale or imbeazill so that they may be once more enabled to begin the world againe, and her Majesty not lose the use of so many subjects

* * * * * *

I have allready acquainted your Honble Board that the persons I sent to demand at North Carolina have been delivered up to Justice here and likewise transmitted two Coppys of the Act of Assembly made there for the protection of Debtors which I doubt not but that your Lordships will think reasonable to lay before her most sacred Majesty for her Directions to that Goverument.

My Lords, your Lords^ps^
most dutifull obedient humble servant
JO: SEYMOUR.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Meeting at the Chapell of Edward Moseley Esqr Capt Thomas Leuten and Mr. John Blount on Wednesday ye 7th of July 1708.

As likewise of John Ardern, the rest of the Vestry not appearing.

Ordered that a full Vestry make their appearance at the Chapell on Sabbath Day next, being the 11th of this Instant.

Memorandum—The Vestry having been legally summoned to make their appearance at the Chapell on Sunday the Eleventh of July, 1708,

but none appearing except Edward Mosely Esqr Mr Edward Smithwick Mr Nicholas Crisp, John Ardern, and William Banbury, there being no majority no business could be accomplished.

Ordered that a full Vestry make their appearance at the Chapell on Sunday ye 25th of July 1708.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Meeting of the Vestry holden at the Chapell on Sunday the 25th of July 1708.

Present.

Edward Mosely Esqr	Mr Edward Smithwick.
William Duckfield Esqr	Mr William Banbury
Capt Thomas Luton	Mr William Charlton
Mr Nicholas Crisp	John Ardern. Esqr

Whereas the Reverend Mr William Gordon is speedily designed for England hath therefore recommended unto this precinct for a reader Mr Charles Griffin of whom he renders a good character, the said Mr Griffin being likewise made known to some Gentlemen of the Vestry.

Its unanimously approved of to accept of the said Mr Griffin for our Reader in Mr Gordon's absence, and to allow for his officiating as such and performing the Office of a Clerk to the Vestry twenty pounds ℔ annum to be paid by the publick.

Whereas it had been taken into our mature Consideration the many and great inconveniences which attend the Chappell which is already built both in Respect of its ill situation. Smallness and rough and unfit workmanship

We therefore to shew our true zeal for the Glory of God and propogating so good a work do unanimously agree that a church of forty feet long and twenty four wide fourteen feet from Tenant to Tenant for hight. the remaining part of the work to be proportionable: the roof to be first plankt and then shingled with good Cypress Shingles, and the whole to be ceiled with plank, and floored with plank, for the speedy accomplishment of which said work its the Earnest Request of the present members of the Vestry that Edward Mosely Esqr and Capt Thomas Leuten will undertake to see the same performed, they living convenient and to agree with Workmen at as easy Rates as may be. It being well and substantially performed.

There appearing to this Board that Eight pounds are due to the Rev Mr Wm Gordon for officiating as a Minister in this precinct.

Ordered that the said Eight pounds be paid to the Revd Mr Gordon or his order by the public

[From N. C. Letter Book. S. P. G.]

LETTER TO THE LORD BISHOP OF LONDON.

N. C. 24 Aug. 1708.

May it please Your Lordship,

We esteem it the peculiar and special Blessing of Heaven that we of this poor province are cast so happily under your Lordships patronage, protection and care, whose eminency in propagating religion and establishing of Church Government is conspicuous to all mankind that knows your Lordship, not only within your Lordships diocese but elsewhere and scarcely to be paralled.

We therefore (in behalf of that part of this province to which we belong) in a deep sense of our duty to God and gratitude to your Lordship do most gladly embrace this seasonable opportunity of making a due return of our humble and unfeigned thanks for the many favors your Lordship hath been pleased to confer upon us, but more particularly for your recommending us to the care of so good and worthy a man, whose prudent and pious example is well worthy our Imitation, suitable to and adorning his profession (a blessing in no place wanted more than in this) wherefore we conceive it our further duty to acquaint your Lordship that the Reverend Mr. Gordon is universally approved on by all in General amongst us, whose sweetness of disposition and spotless conversation is so highly engaged together with his most excellent and practical way of preaching, as hath prevailed even with the very enemies of the Church to be silent at his deserved applause. We therefore most heartily lament his leaving us so soon, but hope for his speedy return (of which we have obtained his promise and doubt not of his performance) assuring your Lordship that in the interim we will use our utmost endeavours to have all things relating to the Church in a better posture for his reception resolving to employ our utmost interest and zeale to further so good and excellent a work by our diligent zeal, whereiu we hope for the blessing of Heaven and the continuance of your Lordships favours unto us who have already been pleased to make us so large partakers of your Lord-

ships bounty. May the God of all Mercys discharge the great obligations we of this poor province lye under to your Lordship by multiplying the choicest of his Blessings to your Lordship in this life, in earnest of an everlasting happiness hereafter, is the most sincere and fervent prayers of

Your Lordships &c

JOHN ANDERSON } Church	EDWARD SMETHWICK
THO. GARRET } Wardens	WILLIAM BENBURY
Wm DUNKENFIELD	WILLIAM CHARLTON
EDWARD MOSELEY	THOMAS POLLOCK
THOMAS LUTON	JOHN BLOUNT
NICHOLAS CRISP	JAMES LONG

[From N. C. Letter Book. S. P. G.]

MR. ADAMS TO THE SECRETARY.

North Carolina, 18th September, 1708.

Sir:—

In my last, by Captain Stuart, I wrote you an account, among other things, what steps I had made in order to administer the sacrament of the Lord's Supper to such as should be religiously disposed; but our unhappy distractions which immediately followed, and the flame the country has continued in ever since, broke my measures as to that, and has made me desist till it shall please God to put an end to the confusion and contentions the whole province is engaged in.

I shall not trouble you with a long narrative of the unhappy circumstances this country at present lies under, because Mr. Gordon can inform you by word of mouth, and, I believe, show a copy of the true state of this province, written by our president, in whose sincerity and integrity you may confide, and who has been no small sufferer for his affection to the Church. I shall only add, that, in general, there are three sorts of people among us: many religious and true members of our communion, some Quakers, and most bred up in ignorance, who neither know nor profess any religion at all; and of these last it is to be hoped our Saviour has a plentiful harvest to be reaped. The Quakers, though not the seventh part of the inhabitants, yet, by the assistance and contrivance of Archdale, a Quaker and one of the lords proprietors, have in a manner the sole management of the country in their hands, and of late years have

at their pleasure procured a revolution of government as often as he that sat at the helm seemed to favor our Church, or endeavored to make any provision for the ministry; and if the grievances of the country be not speedily redressed by the proprietors, the Quakers, in conjunction with the Presbyterians (who always, in hopes of preferment, side with those who are in a capacity to promote their interest), will bear down the Church; and instead of our making proselytes, we shall, I am afraid, be hardly able to keep what we have from being perverted and seduced in this place of so great ignorance and enthusiasm. Beside, we shall be engaged in perpetual broils and quarrels (as we are at present); for our old worthy patriots, who have for many years bore rule in the government with great applause, cannot without concern and indignation think of their being turned out of the council and places of trust, for no other reason but because they are members of the Church of England, and that shoemakers and other mechanics should be appointed in their room, merely because they are Quaker preachers and notorious blasphemers of the Church; some of which have declared that, till the Prince of Wales be proved a bastard, the queen can have no pretensions to the crown of England. We are in hopes the lords have been imposed upon by Archdale, and that we shall be redressed from England according to the charter and laws of our country.

In the mean time I shall, by the grace of God, endeavor to behave myself with such moderation, diligence, and fidelity, as not to prejudice the great cause I have in hand.

That part of the country where I am, designed by this fleet to have sent an address of thanks to the society for my being sent among them; but, at my request, they have desisted till our animosities and heats (which already have not been without blood) be composed, and I give a further proof of my ministry.

That I may punctually observe your instructions and commands shall be the constant and faithful desire of, sir,

Your most obedient servant,

JAMES ADAMS.

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 13.]

COLL: JENINGS TO THE LORDS OF TRADE.

VIRGINIA, September 20th 1708.

(EXTRACT.)

May it please your Lordships,

* * * * * * *

I am informed from North Carolina that there are very great commottons in that Government occasioned principally by the Quakers, who after they had prevailed with the Lords Proprietors to turn out the Deputy Governor and give the Council (who were most of their perswasion) a power of chusing their own President, made choice of one Mr Glover, and because they did not find him for their Turn voted him out again, they have had the cunning to sett all that Country in a flame and all but themselves in arms against one another. It would be tedious to trouble your Lordships with an account of the proceedings of the several partys wch look liker the freaks of Madmen than the actions of men of reason, there has already been one man unfortunately killed in the Fray, and thō tis said that they are coming to an accomodation, yet by the best information I have it is not like to end so. I thought it my duty to acquaint your Lordsps with this as it happens so nigh her Majtys Colony: tho I hope it will have no ill consequences as to us. I am, my Lords

Your Lordsps most faithfull and obedient servt

E. JENINGS

[FROM THE MSS. RECORDS OF THE FRIENDS MONTHLY MEETINGS IN PASQUOTANK PRECINCT.]

At a monthly meeting held in Pasquotank ye 11th of ye first month $170\frac{7}{8}$ friends met as their manner is, to Inspect into ye affairs of ye Church Zachariah Nixon and Elizabeth Symons appeared before this meeting the second time & declare their Intentions of taking Each Other in Marriage and being approved of by the said meeting are left to their liberty to take each other

It is agreed on by friends of this Meeting that the Monthly Meetings henceforward be kept at the Meeting Houses at Symons Creek & Newbegun Creek beginning first at Symon's Creek

[From N. C. Letter Book. S. P. G.]

GOV. GLOVER TO LORD BISHOP OF LONDON

Hampton in Virginia
25 Sept 1708

My Lord:—

Beside my own obligations of duty and gratitude, I am engaged by the repeated applications of many of the inhabitants of this place, to offer thanks for your lordship's care over us, and especially in behalf of the parish of Pascotank, where an orderly congregation has been kept together by the industry of a young gentleman whom the parish employed to read the service of the Church, as the law of this place, for want of a minister, doth direct. This gentleman being of an unblemished life, by his decent behavior in that office, and by apt discourses from house to house, according to the capacities of an ignorant people, not only kept those he found, but gained many to the Church in the midst of its enemies, insomuch that the Reverend Richard Marsden, waiting here for a passage to South Carolina, thought it convenient to administer the sacrament of the Lord's Supper, which is the first time I can learn of its being administered in this poor country; this was done on Trinity Sunday, 1706, and the same day, forty-five persons, infants and adults, were baptized.

If any thing, my lord, in this life was able to raise in my breast a joy without mixture, it was to see unbaptized parents, with their children in their arms, offering themselves to Christ, which I have seen, and therefore I ever will rejoice.

This, with the adjacent parish of Caratuck, is now under the care of the Reverend James Adams, to their general satisfaction, whom they have presented to the small provision of £30 per annum each, which our law appoints. The Reverend William Gordon did not find things in so good order in the other two parishes of Chowan and Perquimans, yet I hope the account he will give of his reception will be in some measure satisfactory. It lyeth somewhat on me to make an apology for the vestry of Perquimans, where I live; it is the place where Quakerism has mostly prevailed, and thereby attended with difficulties, for which cause their vestry adjourned their meeting, to have gained the little advantage of my company, till time insensibly slipped from them whilst I was engaged in the unhappy troubles which the enemy, alarmed at the coming over of these worthy gentlemen, has raised against me; under which I still labor,

with patience, until the lords proprietors shall apply some remedy to the present disorders, to whom I have faithfully represented the whole matter. By the Reverend William Gordon, who is the bearer hereof (while we bewail his absence here), your lordship will have a more particular account of the state of affairs, as also a copy of the act passed here relating to the Church, in which there is one great error, which was not in my power to prevent, viz., "the subjecting the clergy to be judged by laymen;" although that clause was never interpreted, even by the most zealous assertors of it, to extend to a power of displacing those who were orderly presented and inducted, but only such as came by chance and were agreed with from year to year, as the manner has been formerly among our neighbors of Virginia. I shall only add further, that that clause had not been thought of by the composers of that law, had not the disorderly behavior of Mr. Brett given the occasion.

I most earnestly beg your lordship's pardon for this trouble, and your prayers for this poor country, and in it for me the most unworthy.

Your lordship's most dutiful
And ever bounden servant,
WILLIAM GLOVER.

[B. P. R O. B. T. Va. 58. Virginia Council.]

October the 19th 1708.

The Councill this day having taken into consideration the severall Inquirys sent from the Right Honlle the Lords Commrs for Trade which were communicated to them by Mr President agreed to the following answers. Vizt

As to that part of the said Inquirys which concerns the removal of the Inhabitants of this Colony into our neighbouring Plantations & the way to prevent the same.

The Councill are humbly of opinion that the chief cause of this Removal is the want of Land to plant and cultivate the most convenient Land yet unpatented being in pamunky neck & on the South side of Blackwater Swamp, and that shutt up by the orders of the Government this has occasioned many families of old Inhabitants whose former plantations are worn out as well as great number of young people & servants just free to seek for settlements in the province of North Carolina where Land is to be had on much easier Termes than here, & not a few have

obtained grants from that Government of the very same land which they would have taken up from this, if liberty had been given for it. For preventing whereof it is humbly proposed that the bounds between Virginia & Carolina be settled as soon as may be, and that free liberty be given to all persons to take up Land anywhere within the bounds of Virginia on the Terms mentioned in the Charter granted by his Majesty King Charles the second and according to the constant Custom of granting Land in this Country from the first settlement thereof.

Another cause of the Removal of our Inhabitants is the exemption granted in most of the proprietary Governments for being sued for debts contracted in other places, this encourages a great many people of uneasy circumstances or dishonest inclinations to run thither to avoid their creditors & secure themselves a safe retreat, & even in the Province of North Carolina where Virginia debts are pleadable there are such difficulties in the prosecution thereof, partly by the distractions of that Country which has no settled Government & partly by the protection those debtors find among persons of the like circumstances & principles that it is but lost labour to sue for them.

* * * *

As to the Inquiry how & in what particulars the trade of this country is increased or decayed & the reason of such increase or decay.

It is answered that there can't be an exact estimate made how much Tobacco is exported from hence, that being best known to the Honble Commissioners of the Customs but it is very plain the production of that manufacture has been increasing for sev^{ll} years, as on the other hand the value thereof hath proportionally decreased, which we conceive is occasioned by the great number of negros imported and the increase of the Inhabitants, who being only imployed in that manufacture, there is much more made than can be possibly vended to any advantage. Another branch of the Trade of the Country is the Indian Trade for skins & furrs in which great quantitys of Course Cloths from England, powder, shott, gunns, hatchetts etc have been vended annually, but that Trade is now like to be totally wrested out of our Hands by the Government of South Carolina who under pretence that the Indian Nations with whom we Trade live within their Government take upon them to seize the effects of our Traders & to impose high dutys equall to a prohibition on all Commoditys carried thither from hence, and the like on the skins brought back this is a new & strange pretence that Virginia who traded with those Indians before the name of Carolina was known should be now abridged especially since most of the Indians with whom we Trade live some hundreds of miles from any of the Inhabitants of Carolina.

[B. P. R. O. B. T. Virginia. Vol. 13. O. 24.—Extracts.]

COLONEL JENINGS, PRESIDENT OF THE COUNCIL OF VIRGINIA TO LORDS OF TRADE.

Virginia November ye 27th 1708

May it please yor Lordships

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As to the number of Inhabitants of this Her Majesty's Colony, according to the list of Tithables taken this year (wch is the best way to Judge of their number) I have computed the labouring Tithable persons to be about thirty thousand, whereof about twelve thousand Negros, the rest being almost all Free men; for the number of white servants is so inconsiderable, that they scarce deserve notice, so few having been imported since the beginning of this War. So that by comparing the present List with those of former years, the number of Tithable persons (among which are included all masters of familys and their male children above the age of sixteen) have increased within these three years about three thousand, partly by the Natives coming of age, but chiefly by the importation of Negros. It is possible that when yor Lordships shall compare this Estimate with the List of Negros imported of late (wch in obedience to your Lordships commands I have sent in another Letter) yor Lordships may be induced to expect a far greater encrease to our number, but to satisfy your Lordships therein I beg leave to acquaint yor Lordships, that besides the distempers usual among new Negros wch carry off not a few of them, many of our poorer sort of Inhabitants daily remove into our neighboring Colonies, especially to North Carolina which is the reason that the number of our Inhabitants doth not increase proportionally to what might be expected.

My Lords

Your Lord^ps^ most obedient Servt

E. JENINGS

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 21.]

LETTER FROM COLONEL JENINGS, PRESIDENT OF THE COUNCIL OF VIRGINIA TO LORDS OF TRADE.

VIRGINIA November ye 27th 1708

May it please yor Lordsps,

It was the 11th of last moneth and the Fleet then sailed, before I had the honor to receive yor Lordships of the 15th of April concerning the Negro Trade Since which I have endeavoured by the means of the proper officers, and the informations of the ancient Inhabitants, to answer Yo^r^ Lordps Commands, and in Order thereto have herewith sent yor Lordships an account of all the Negros imported into this Colony from the 24th of June 1699 to the 12th of October last past distinguishing those imported by the Royal African Company (679), and those by seperate Traders (5928), wherein yor Lordships will perceive the latter have had much the greater Share. As to the particular Rates at which those Negros have been sold, they have been variable according to the different times of their coming in and the quality & ages of the Slaves, but the medium for men & women may be reckoned from 20 to 30 pounds a head for those sold by the Company & from 20 to 35£ a head for the like kinds sold by the seperate Traders, who in gen^ll^ have sold theirs at a higher rate than the Company.

How the Country was supplyed with Negros before the Trade to Africa was laid open in the year 1698. I have endeavoured to Inform my Self from some ancient Inhabitants conversant in that Trade as well as by recollecting what hath happened in my own knowledge, & find that before the year 1680 what negros were brought to Virginia were imported generally from Barbados for it was very rare to have a Negro ship come to this Country directly from Africa since that time, and before the year 1698. the Trade of Negros became more frequent, tho not in any proportion to what it hath been of late, during which the Affrican Company sent several Ships and others by their Licence (as I have been informed) having bought their Slaves of the Company brought them in hither for Sale, Among which I remember the late Alderman Jeffrys & Sr Jeffry Jeffrys were principally concerned, but all this time the price of the Negros was currant from £18 to 25 per head for men and women & never exceeded that Rate. Whether the opening the Trade to Africa having created an Emulation between the Company and the Seperate Traders

which should outbid the other in the purchase of their Slaves there, or whether the dexterity of their Factors there in taking advantage of the prevailing humour of our Inhabitants for some years past of buying Negros even beyond their abilities, or the Concurrence of both, hath raised the Rates of Negros so extravagantly I shall not pretend to determine but this I may venture to say that it will be much harder to lower the price again now tis raised unless there be the same Freedom of Trade continued as formerly for tho the Inhabitants of this Country in gen[ll] will not be so fond of purchasing Negros as of late being sensibly convinced of their Error which has in a manner ruined the Credit of the Country yet there will still be some that must, & others that will at any rate Venture to buy them, & if the Company alone have the Management of the Trade, they'l find pretences enough to keep up the price if not to impose what higher rate they please, which the buyer must submit to, knowing he cannot be supplyed by any other hand. As for Vessells trading directly from this place to the Coast of Africa I never knew of any nor is the same practicable this Country not being provided with Comoditys suitable for carrying on such a Trade. This is the best account I am able to give in Answer to yo[r] Lordships Commands, wherein if I have failed or mistaken in any point I beg yo[r] Lordships favourable Construction thereof Since I can with truth assure your Lordships that no man hath a greater Desire to serve yo[r] Lordships than

My Lords
Your Lordships
most obedient servant
E. JENINGS

[B. P. R. O. North Carolina. B. T. Vol: 4. p. 158.]

His Excellency William Lord Craven Palatine. The most Noble Henry Duke of Beaufort. The Right Hon[ble] John Lord Carteret. The Hon[ble] Maurice Ashley Esq[r] S[r] John Colleton Bar[t] John Danson Esq[r] and the rest of the true and absolute Lords Proprietors of the Province of Carolina.

To Our Trusty and Wellbeloved Edward Tynte Esq[r] Governor of our province of North and South Carolina

Wee the said true and absolute Lords proprietors of the province aforesaid. Reposing Special trust and confidence in the Courage Loyalty and

prudence of you our said Governo^{r} Do hereby constitute and appoint you the said Colonel Edward Tynte during Our pleasure Governor of our whole province of South and North Carolina and you are to do and execute all things in due manner that shall belong to you Command Or the Trust we have Reposed in you according to the several powers and directions granted and appointed you by this present Commission & Our Instructions And by such further powers & instructions as shall at any time hereafter be Granted and appointed you vnder our handes and seals according to such reasonable Laws & Statutes as already have been Ratified and confirmed by vs or hereafter shall be made and agreed upon by you with ye advice and consent of Our Deputies and General Assemblies of our said province or any part thereof wherein there is a distinct Goverm^{t} And we do hereby further Impower Constitute and appoint you our said Governor To be Admiral Captain General and Commander in Chief of all the Forces Raised or to be Raised both by Sea and Land within Our said province and over them to appoint a Lieutenant General or Lieu^{t} Generals Vice Admiral or Vice Admirals both in South and North Carolina And over such Forces aforesaid to appoint all Officers whatsoever and them to amove and remove at your will and pleasure and to cause the said Forces to be exercised in Arms as often as you shall see fit And we hereby give you full power and authority to appoint Governors and Lieutenants and other Officers as well of our Town & Citadell of Charles Town as of all other Castles. Forts and all other places fortified or to be Fortified within our said province and to do all other things as to a Captaine General or Commander in Chief doth belong And We do hereby further Authorize and Impower you by and with ye advice and consent of any four of Our Deputies and Generall Assembly to Repeal or alter any Laws whatsoever in Our said province as shall be thought fit to be changed and to enact all such reasonable Laws and Statutes for the better Government of Our s^{d} province as you with the advice and consent of any four of our Deputies and the General Assembly shall think fit and expedient provided such Laws be not repugnant to the Laws of England nor invading of any the prerogatives Royal Granted to us by Our Charter and we do hereby authorize and Impower you in case of y^{r} departure from thence to appoint a Deputy Governor & Governors in South or North Carolina with such powers as you shall think necessary Provided the same be agreeable to and do not exceed those by us Granted to yourself and to constitute and appoint all and singular Officers and Offices in and Government of Our said province during your pleasure and the pleasure of us the Lords propriet^{rs} And We do further give you full

power and authority with the advice and consent of any four or more of Our Deputies to Grant & sell our Lands in fee both in South and North Carolina after the rate of 20£ for every 1000 acres and with the yearly quit rent or acknowledgem^{t} for ever to us and our heirs of 10s payable for such 1000 acres And also to Sell & Lett Our Lands not exceeding 640 acres to any one person in that part of our province call^{d} South Carolina. Reserving only one penny yearly for each acre And in N Carolina reserving only one half penny for each acre to us & our Heirs for ever and to let Lands in that part of our province reserving a quit rent of an halfpeny an acre And We hereby Impower you to Escheat Land and afterwards to Lett it for Rent or sell the same for our use Lastly We do hereby revoke repeal and make void all former Commissions whatsoever by us given to any former Governor or President of Our said Province of Carolina or any part thereof Given under Our hands and the Great Seale of Our Province at Craven House this ninth day of December One thousand seven hundred & eight

CRAVEN Palatine BEAUFORD
CRAVEN for the Ld CARTERET

LOCUS MAGNI SIGILLI CAROLINÆ

M ASHLEY
J COLLETON
M ASHLEY
for JOS BLAKE
JOHN DANSON

[From Pollock's Letter Book.]

* * * * President Glover's writ for choosing Assembly men being read by the Deputy Marshal Daniel Halsy, and Col Cary's writ likewise read by one Robt Fendale whom Col Cary had appointed for that end, the people went to electing: and five being chosen, the electors were polled, being ninety four, and those against them being likewise polled were only sixty five, counting several that were but boys and otherwise unqualified. Notwithstanding which fair election, Mr Moseley not approving of the choice, he with those others being in all but sixty five, would needs name other five by themselves, and Mr Moseley and some others of his party making all the confusion they could in the time of election, and endeavouring to stir up strife and quarrels among the people, which if Col Pollock (being on a plantation of his that joined on the election field) had not hindered and pursuaded the people to keep the peace, would have ended in blows.

On the eleventh of October the assembly men met at Captain Hecklefields, nine coming for Chowan precinct, five of which were returned by the Deputy Marshall, as chosen by the majority, with the electors' names, being ninety four: and Robert Fendall whom Col Cary had appointed . . . . returned both the five chosen by the majority: also the other five chosen by Mr Moseley and his party, being but sixty five, including boys and all, four of this last five only appearing; the other, thinking his election not to be legal stayed at home. all the nine, presently on their meeting, were commanded, by the rest, out of the House, and then immediately the four chosen by Mr Moseley and his party called in again, Mr Moseley himself being one of them; and the other five who were chosen by the majority were forcibly kept out; and could not so much as hear what they had to say; and then chose Mr Moseley speaker, and presented him to Col Cary and his pretended council.

Indeed it could not be expected otherwise, there being but twenty six assembly men in all, so but twenty one, of which 21 eight —— —— the Law requires —— —— county of Bath whose interest it was to stand by Col Cary, for fear of being called to account for that seditious Petition before mentioned; and two or three of the other seven from Pasquotanke of the Quaker's choosing them, so that the five from Curetucke could do nothing against all the rest, only some of them left the assembly Then the instrument of writing, or Commission, from the Lords Proprietors, that Mr Porter brought from England, aforementioned being laid before the pretended assembly, after having heard it read, they carried it by vote, that the Lords Proprietors had not only by that writing suspended the Law made in Col Carys time before mentioned, that laid a fine on any person that should promote (own) Election, and not qualify himself et cet: but also that the Lords Proprietors, by the said writing had suspended likewise that Law, made in Col Daniels time before mentioned, which requires all person in any place of trust or profit to qualify themselves as the law requires et cet. which Law is not in the least mentioned in the said writing. And they might even as well (have) voted and all this was voted and and acted before qualifying themselves, clearly contrary to the statute made the 20th of Charles IId cap I But they took little notice of Laws or Statutes

Now by the articles of agreement the Assembly were to determine who had the most right to the Presidentship: Col Cary and his Council keeping in one room, and President Glover and his Council in another room: and Col. Daniel, by being a Landgrave, having a right to sit in the upper House with the Deputies, used sometimes with Col Cary in his room,

but mostly with President Glover, being fully pursuaded of his right to the Government.

President Glover, not to be wanting to himself, put in the following writing or protest to the pretended assembly, delivering it to one of the Assembly men, (it) being as follows.

"In order to the settling this Government in peace, and to put Her Majesty's Laws in execution according to the true intent and meaning of the agreement between the Hon. Thomas Pollock and Col. Thomas Cary, it is absolutely necessary, and I do require, that the Gentlemen returned on the Elections should choose themselves a Speaker, and qualify..... according to law. and I ... . said members ... . be made to an Assembly not to a number of persons coming together, no body knows who. Besides it is contrary to all Law, reason, and in a very high degree derogatory to the Queen's Royal Prerogative, and a betraying of the trust reposed in the Lords Proprietors by the Crown, to submit the determinations of the Government to any number of men howsoever chosen and delegated, though by the unanimous voice of the whole countrys Except such persons shall first acknowledge their allegiance to the Queen, which both the Common Law and the Statute Law requires to be done by an oath: with which Law the Queen hath not, and the Lords Proprietors can not dispence. For in doing otherwise we may give the Government up to be disposed by persons who are traitors to the Queen, or maintain the right of the pretended Prince of Wales, and then to such an Assembly I undertake to prove three things: First, that I am the lawfull President of Her Majesty's Council, and that the Execution of their Lordships's commission does belong to me and no other; Secondly; that Col Thomas Cary is not President nor hath been lawfully possessed of, or is invested with any power of Government in this place since his departure to South Carolina; Thirdly: that though the power of proceeding should extinguish in me by death or Command of the Lords proprietors, the said Col Thomas Cary is not qualified to be Elected President, or to exercise any such power. But if the Gentlemen now met together do assume to themselves an arbitrary power to proceed by any other method, I do, in behalf of our Sovereign Lady the Queen, His Excellency the Palatine, and Lords Proprietors, and of this Province of North Carolina, protest against all such proceedings; and do as President of the Council and Commander in Chief of this Province, by virtue of the Lords Proprietors commission, and with the advice of the council declared by proclamation dated the 13th of May Anno 1708, strictly charge and command all magestrates, commanders, and officers both mil-

itary and civil, and all other His Majesty's loving subjects, not be aiding or assisting in any such arbitrary power, as they will answer the contrary at their peril. Given under my hand and seal 11th day of October in the seventh year of the reign of our Sovereign Lady Queen Ann of Great Britain &c anno 1708.

And for as much as by your irregular and unlawfull ——— nation in a matter of such consequence, I do (in the name) of our Sovereign Lady the Queen, His Excellency the palatine, and Lords Proprietors of this Province of North Carolina, and freeman of the same and in my own behalf, protest against all you have done or shall do against me or to my prejudice and against anything acted or done under my administration, and because Col. Thomas Cary hath publickly threatened and avowed sureptitiously and without form of law to take away my life, and the lives of others that have in pursuance of their duty been aiding and assisting to me in maintaining the Queen's peace in this Government, I do therefore in behalf of myself and them and every of them, appeal to our Sovereign Lady the Queen in Her Courts at Westminster; and do offer myself as the Queen's prisoner, to be sent in chains if the matter so require, to the Governor Generall of Carolina, and thence to Her Majesty's Courts at Westminster: Provided, that the said Col. Cary and Mr John Porter, who have been the chief instruments of these unhappy troubles, will be obliged with good security in the sum of two thousand pounds personally there to appear and prosecute me.

Dated the day and year above said.

To the Gentlemen met and pretending themselves to be the House of Burgesses } Wm GLOVER

This protest was returned to President Glover by same member of the Assembly to whom he delivered it, with the pretended Assembly's answer, that they would not concern themselves in that matter.

Now as for the Counties qualifying themselves, Col. Cary, Mr Porter, and Mr Foster took the Oaths according to Law. But the Quakers would shew themselves singular coming to the table in the Council with their hats on, laid their hand on the book and repeating the words of the Oath, except the word swear, which they would not pronounce, but word Declare instead thereof, and then having had their explanation of the sense and meaning in which they took it entered underneath they signed it, without kissing the book, and declaring they would allow that sense and explanation of theirs and no other

[From Pollock's Letter Book.]

A Copy of a Letter to Mr Gordon Minister at Chowan, inclosed in Mr Glover's Letter, to be sealed and delivered to him at ——by him

Sir

Since you went from us, confusion and disorder have proceeded in their full course, of which President G(lover) can give you a full account, and I doubt not the justness of the cause. The zeal you have for religion, and the charity you have for the souls of the people of North Carolina, who are now (covered) with the dark clouds of Quakerism, envy and ignorance, will prompt you to use your utmost endeavorer to be helpful, what you can, to dispel the aforesaid clouds, that again we may enjoy the sunshine of religion justice and order. With you ——— I should then be highly pleased to enjoy the ——— of your company here, and you may assure ——— to command all that lies in my power. I would entreat the favour of you to acquaint me by all of the proceedings in that affair, with ——— infinitly oblidge

Yr T. P.

Sir

Please to direct your letters for me to be left at Mr Mingo Engliss's, at Queen's Creek, near York River Mr James Wallace, Minister at Kroatan (?) or Capt Richard Exum's (?) near Nansemond river.

Sir, Yr

T. P.

[From N. C. Letter Book. S. P. G.]

CHURCHWARDENS OF CHOWAN PRECINCT TO THE SOCIETY

Right Honorable

That the blessed effects of your Lordships pious and generous favours and noble distributions have found their way into this poor province into this remote and obscure corner of the world requires our highest admiration and gratitude by which it is evident to all mankind that no part of the Christian World how mean or obscure can possibly escape being made partakers of your Lordship's Bounty and care, a blessing so choice and valuable and an obligation so great (if duly considered) as might sufficiently excite the most obdurate and impeintable wretches to a true sense and knowledge of their duty. My Lords, We therefore conceive it the least part of our duty by this happy opportunity to pay the reasonable

tribute of our humble and unfeigned thanks for your Lordship's generous christian and affectionate remembrance of us, in your present of Books by the Reverend Mr William Gorden, a gentleman every way duly qualified to perform an embassage from such Honorable Employers, who hath not only discharged his trust in the delivery of them, but likewise annexed his advice thereto, and during his short stay amongst us hath indefatigably employed his time and talent in promoting the Interest of Religion throughout this province, but more particularly in this precinct where we have so far as in us lies engaged him to ourselves, and shall impatiently wait for his return.

My Lords, our most hearty and sincere wishes are that we and all others partakers of your Lordship's Bounty, may in some degree be found worthy of so eminent blessings: May future ages never want such renowned heroes to defend their Christian Cause, may your Lordship be blessed with a happy and flourishing posterity to inherit your Lordship's virtues and since your Lordships are most deservedly placed in Honorable stations on earth, may the mansions of Saints and Angels be your portion in Heaven; may on constant scene of health and happiness attend your Lordships throughout their vale of tears to your everlasting home is the most fervent prayers of

My Lords
Your Lordships most obliged
most humble and most
affectionate Servant
JNO ARDEANE } Church
THO: GARRETT } Wardens

1709.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry held at the Chapell on Thursday the 27th of Febry 170$\frac{8}{9}$

Present.

John Ardern Esqr	Mr Thomas Garret.
Mr John Blount	Mr Edward Smithwick
Capt Thomas Luten	Mr Wm Banbury
Capt Nichl Crisp	Mr Wm Charleton
Capt James Long	Mr Edward Moseley.

Thomas Garrett and John Ardern being this Day dismist from the office of Church Wardens adjusted their accounts with the Vestry which stands as followeth: Viz^{t}

Publick Dr.	£	s	d
Widow Dick's Claim	2:	0:	0
℔ Wm Walston	1:	10:	0
By Mrs Blount	2:	0:	0
By John Ardern Sterling	0:	5:	0
℔ Mr Gordon	8:	0:	0
℔ a late Demand of Mr Gordon	1:	0:	0
℔ Mr Gordon's Expenses about the books	0:	15:	0
℔ Richd Booth	3:	0:	0

Cr.	£	s	d
℔ Curretuck and Pasquotanck Fines	1:	10:	0
℔ Ballance of Widow Dick's account	1:	19:	2
By 500 feet of Inch board by Mr Smithwick towards laying the Floor	2:	10:	0

But if the payment of the said three pounds be found a mistake. Its to be refunded back—℔ Mr Griffin £20: 0s: 0d

Ordered that the Collector of this precinct do collect from each Tythable the sum of two shillings and Nine Pence. which rise sufficient to pay the publick Debts here mentioned and will advance the sum of twelve pounds towards the beautifying of the Chappell over and above the charge of the Collection.

Ordered that Mr Edward Smithwick do with all reasonable expedition, deliver the Standard now in his custody into the care of Mr Nicholas Crisp he living more convenient to the precinct.

Ordered that Mr John Linnington be constituted Clerk of the Vestry, and be allowed for each days attendance five shillings to be paid by the publick.

Ordered that the way and method of beautifying the Church be left to Descretion of the Church Wardens for the year ensuing Viz enlarging repairing &c

Ordered that Edward Moseley Esq and Maj^{r} Luten be appointed Church Wardens for the year ensuing and have taken there places accordingly.

[B. P. R. O. B. T. VIRGINIA. VOL: 40. P. 258.]

LORDS OF TRADE TO THE QUEENS MOST EXCELL^{t} MAJESTY

14th March 170$\frac{8}{9}$.

May it please your Majesty

For prevention of further disputes y^{t} may happen between your Majesties Provinces of Virginia and Carolina, in regard to their Boundaries; we having by our Representation to your Majesty of the 1th of February last, humbly proposed that the said Boundaries be settled, and that Commissioners duly qualified be respectively appointed on the part of each of these Governments, with full powers to take Depositions, to survey or cause a survey to be made of the lands in dispute & to do what may be further necessary for the better ascertaining and fixing the said Bounds by a line or lines of Divition to be drawn between the said Provinces; and we having therein further proposed that the Lords Proprietors of Carolina, do oblige themselves (by a clause to be inserted in the Commission to be by them given, or by some other Instrument in Writing) in case the said Commissioners do not within a reasonable time (to be prefixed) settle the said Boundaries, to submit the Determination of that matter to your Majesty. Your Majesty was thereupon pleased by your Order in Council of the 13th February last to direct us to propose to the said Lords Proprietors of Carolina, the Issuing of such a Commission as aforesaid.

In obedience whereunto we forthwith write to the Lords Proprietors of Carolina and have now received their answer, the purport whereof is, that they have appointed John Lawson and Edward Mosely Esq^{rs} to be Commissioners on the part of Carolina for surveying the lands in dispute and settling the Boundaries as aforesaid. And in their said answer they do further declare, that they are willing in case of any dispute between the said Commissioners and those on the part of your Majesties Colony of Virginia to submit the same to your Majesties Decision.

Wherefore we humbly offer, that your Majesties Royal Letters Mandatory, be sent to the Governor or Commander in Chief of the said Colony of Virginia for the time being, directing him in concurrence with the Councill there to issue out a Commission under the seal of the Colony, thereby constituting and appointing two fit and able persons to be Commissioners on the part of Virginia to act in conjunction with the

Commissioners appointed on the part of Carolina, for the purposes before mentioned and requiring the said Governor or Commander in Chief for the time being to transmit to your Majesty under the seal of the Colony an account of such Commissioners Proceeding for your Majesty's further pleasure therein

Your Majesty having thought fit by your said order in Councill to refer the consideration of the charges of such Commission and Commissionrs to the Right Honble the Lord High Treasurer whatever your Royal Pleasure shall be therein. We beg leave most humbly to propose that the same be likewise signified to the Governor or Commander in Cheif of the said Colony for the time being

All which is most humbly submitted

STAMFORD. JN° PULTENEY.
PH: MEADOWS. ROBt MONCKTON.
CHA: TURNER.

Whitehall
March 14th 170$\frac{8}{9}$.

[B. P. R. O. B. T. Vol. 4. p. 162.]

ADDITIONAL INSTRUCTIONS TO COLONEL EDWARD TYNTE GOVERNOR OF SOUTH & NORTH CAROLINA

Whereas by the Second Article of Our foregoing Instructions in relation to the several Laws concerning the Trade and Navigation of this Her Majts Kingdom of great Britain and her Colonies and plantacons in America. You the said Edward Tynte Esqr are required to take Carè, and give charge that no Goods or Comodities whatsoever be Imported into or Exported out of Our province of Carolina in any Ship or Vessells but in such whereof the Master and three fourths of ye Marriners at least are English and whereas by a Clause in an Act passed in the 3rd year of her Majts Reign Intitutled an Act for Raising Recruits for the Land Forces, and Marines and for Dispencing with part of the Act for Encouragmt and increase of Shiping and Navigation during the present War (Copy whereof you will herewith receive) it is Enacted that during the present War, and no longer, the Number and proportion of Marriners to sail in such Ships or Vessells which by Laws now in force are limitted to the Master & three fourths of the Marriners to be English

shall be enlarged to ye Master and one Moiety of the Marriners at least to be English It is her Maj^ts^ Will and pleasure that you take Care and give in Charge to the proper Officer that the said Act be observed in Our s^d^ province under your Goverm^t^ during the present War accordingly

[B. P. R. O. Board of Trade. North Carolina. Vol. 4. p. 181.]

FURTHER ADDITIONAL INSTRUCTIONS TO COLONEL EDWARD TYNTE GOVERNO^r^ OF CAROLINA

You are constantly to transmit to us all Laws passed there as soon as possible for our approbation

1 You are by and with the advice and consent of any four or more of our Deputies to adjourn prorogue and dissolve the General Assembly as often as you shall thinke requisite so to do

2 And that there may be no interruption or delay in matters of prosecution and execution of Justice in Our Courts of Judicature within Our said province by the death or removall of any of Our Officers Imploy'd therein, Untill we can be advised thereof (Which advice you are to transmit to vs the first opportunity) You are to appoint others to succeed in their places, and you shall make Choice of persons of known Loyalty Experience, Diligence and Fidility to be imployed for the purposes aforesaid until you shall have Our approbation of them or Nomination of others from hence

You are particularly to enquire into ye affairs of Rebecca Cox Widdow And see that she has justice done her according to the Merits of her Cause

3 You are with the Assistance of Nathaniel Sale Esqr Our present Receiver General, and Commis^rs^ appointed for that purpose to take and Inspect the Accounts of Ashley Esqr Our late Receiver General from the time of his being put in possession of the said Office And after you audited and approved the same to attest the acc^ts^ according to the form given to preceding Gov^rs^ and such money as shall be received for the Ballance of such Acc^t^ you are to take particular care that it be transmitted to us with what convenient speed you can. according as shall be directed by us

Whereas Landgrave Abel Ketelby hath purchased 5000 acres of Land of us and paid to us 100^l^ as ye purchase mony for the same You are to direct and Order Colon^l^ Broughton Our Surveyor General to admeasure and set out 5000 acres of Land for him the said Landgrave Ketelby

according to the Custom and usage of Our province for which you are to pass Grants to the said Ketelby and his heirs for ever reserving the quit rent of ten shillings for every 1000 acres, to be paid to us—our heirs and assignes for ever

If you Our said Governor should happen to depart the province or any other ways to be out of the Government and no other person on the place authorized by you according to the power granted to you by Our Commission Or if you Our said Governor should happen to dye and there should be no person on the place Commissioned by the Palatine Or us the Lords Proprietors Our will and pleasure is, That Our Deputies who are made so under Our hands and seals shall choose one of their Number to be Gover^{r} until another shall be appointed by the Lord Palantyne and the rest of the Proprietors

4 You are to take great care that the Indians be not abused and Justice be duly administred to them in Our Courts and that you endeavour your utmost to create a firm Friendship with them & to bring them over to your part for your better protection & Defence against the Enemy the neighbouring French and Spaniard against whom you are to protect Our said Province and We assure you of our utmost assistance for your security

5 You are to transmit to us, as soon as you can conveniently get it handsomely transcribed a full and exact account of our yearly rents what they may amount to in the whole and the particular men from whom due and what from each Man, also what has been received, by whom and how apply'd, & what Land, to whom, and for what sold

You are to take care that Mr Wigginton Our Secretary enters into a Bond to us, with two others very good securities of ye penalty of £1000 Conditioned that he shall safely keep the Records & Papers which shall be in his Custody as Secretary & deliver them safe and entire when demanded by their Lordships or any other person or persons authorized by them

You are to inform yourself of what Acts are fit and proper to be passed for the benefit of Trade and the good & prosperity of the province for which you shall have all manner of Encouragement from us

You shall represent to us the state of the Whale fishing and what further encouragement is proper & fitting for us to give to encrease the same

You are to take particular care that no land whatsoever exceeding the number of 640 acres shall be sold to any person or persons whatsoever without a Special Warrant under the hand and seals of the Lord Palatine & four of us the Lords Proprietors be first produced to justify such sale

You are also to take care that it be made publick that all land which shall for the future be sold in South Carolina, the purchase money thereof, shall be according to the value of English Sterling & the quit Rents reserved for ye said Land, shall be of the like value & made payable at Charles Town, with such Covenants, as you Our Govr and four more of the Council shall think fitt And for all Lands sold in North Carolina the purchase money & y^e^ quit Rents for the same are to be of like value and made payable at Chowan, or at Bath Town. Given under our hands & seals at Craven house this 24th day of March 170$\frac{8}{9}$

CRAVEN Palatine
BEAUFORT
M. ASHLEY
J COLLETON
J DANSON

[B. P. R. O. N. C. B. T. 7. p. 17.]

Craven House Aprill the 28th 1709.

Present

His Grace the Duke of Beaufort for himself and the Palatin
The Honble Maurice Ashley Esqre
Sr John Colleton Barr^t^
John Danson Esqre

Mr Mitchells Proposals in the name of some of the Swiss Cantons of Bern were read and it was then agreed that 10,000 Acres of Land on or betwixt News or Cape Fear or their branches in North Carolina should be set out for the Proposers and their Heirs they paying to the Lords Proprietors £10 purchase money for every thousand acres and 5 shillings yearly as a quitt rent for each thousand acres to the Lords Proprietors and their Heirs forever.

Agreed further that 100,000 Acres be reserved to the proposers for 12 years during which term no other person shall purchase any of the same, which said 100000 Acres are to be set out by the Surveyor General and may be purchased by any of the Proposers at the rate above mentioned during the term of seven years but after that time is expired they are to pay according to the custome of that part of the Province

And lastly that one of their number be made a Landgrave he paying for 5000 Acres the usuall purchase money for each 1000 acres the customary quit rent for every 100 acres to the Lords Proprietors for the same.

[From N. C. Letter Book. S. P. G.]

MR. GORDON TO THE SECRETARY.

Sir: London, May 13, 1709.

I have already delivered to your honorable board a short account of my voyage and journey to North Carolina, the effects of my mission, and the reasons which induced me to leave the place; and since you desire to know something further of the state of the country and condition of the people, in relation to their religion, principles, and practice, I shall (by the help of the closest and justest observations I could make and the best informations I could get during my travels through the country) give you what satisfaction can be reasonably expected from so short a stay.

The Continent of North Carolina is part of that great tract of land granted by King Charles II. to several lords proprietors, whose successors and present possessors are William, Lord Craven, His Grace, Henry duke of Beaufort, Lord John Carteret, Maurice Ashley, esquire, Sir John Colleton, baronet, John Danson, esquire, etc., being in number eight.

There are few or no dissenters in this government but Quakers, who have been always the greatest sticklers against, and constant opposers of the Church and that with no small success; it will not, therefore, be improper to trace their rise with the privileges and immunities they still plead and contend for at the present day, to the great disturbance of the peace of that province, and the hindrance of good laws and other proper endeavours for its improval.

From the first settlement, I find for some years they were few in number, and had little or no interest in the government, until John Archdale, proprietor and Quaker, went over, by whose means some were made councillors; and there being then no ministers in the place, they began to increase and grow powerful; for the councill granting all commissions, in a short time they had Quaker members in most of their courts; nay, in some, the majority were such, who still, pushing at the government, were very diligent at the election of members of the Assembly; so that what by themselves, the assistance of several unthinking people, and the carelessness of others, they carried all in that meeting likewise; so far that no encouragement could be obtained for ministers, notwithstanding some endeavours which were used to procure them a very small and inconsiderable allowance.

At last, after many attempts, the Churchmen carried an act, but by one or two votes, called "The Vestry Act," by which twelve vestrymen are to be chosen in every precinct, who have power to build a church in each, and to raise money from the inhabitants for that purpose, with a sum not exceeding thirty pounds for a minister; whom they have likewise (by that act) power, not only to disapprove, but displace, if they see cause. I took a copy of it and some other papers, but, my servant and trunk being left behind by an accident, they are not yet come to my hand.

The Church party thought they had now made a good step, and therefore designed to improve it to the advantage of religion, and setting such a regular Church discipline as the lords proprietors were obliged by their charter to countenance and encourage; but herein they met with constant opposition from the Quakers, who, being still powerful in the council, numerous in the Assembly, and restless in their endeavours, spared neither pains nor expense to have this act repealed or altered; and by their continual cavils and disputes, lengthened out the time of the Assembly's sitting, to their great trouble and charge.

In the year 1704, the law made in the first year of her present majesty, entitled "An act to declare the oath coming in place of the abrogated oaths," etc., reached Carolina, which the Quakers refusing to take, they were dismissed the council, Assembly, and courts of justice, and a law was made that none should bear any office or place of trust without taking the said oaths.

Some time after, the Quakers sent complaints against Colonel Daniel, then governor, deputed by Sir Nathaniel Johnston, in South Carolina. They prevail: Sir Nathaniel removes him, and sends one Colonel Cary in his room.

The Quakers then began their old game, and strive to get into the courts and Assembly again. This governor thereupon tenders them the oaths, which they refusing to take, are again dismissed, and an act made, that whoever should promote his own election, or sit and act, not qualifying himself first by taking the oaths, should forfeit five pounds. This so nettled the Quakers that, in the year 1706, they sent one Mr. John Porter to England, with fresh grievances and new complaints to the lords proprietors, who, by his cunning management, and the help of Mr. Archdale, a Quaker proprietor, obtained a new commission, by virtue whereof Sir Nathaniel Johnston's power in that province was suspended, Col. Cary removed, and several new deputations sent by the proprietors, with power to choose a president among themselves. Thus Porter, hav-

ing procured a deputation for himself and some other Quakers, arrived in Carolina October 1707, about five months before we reached Virginia.

And here, sir, I could give you a large account of this man's management and the use he made of his new commission, with his many tricks to advance the interest of the Quakers, and the confusion and disturbance of which he was the chief or only occasion,—but this would be as tedious as his actions are in themselves unwarrantable.

In short, sir, as soon as he arrived, he calls the new deputies together, being most Quakers (without waiting for the governor and old deputies' presence, though they had all appointed a day for the whole council to sit, and settle the government according to the lords proprietors' instructions in that commission), and chooses for their president whom they imagine would be for their purpose; but he, taking the same method as their former governors did, disappointed Porter's expectation, who, for revenge, gets a meeting with both old and new deputies, reverses Glover's election, declaring it illegal, and so void and null, though he was the only promoter of it. The president and Col. Pollock, a councillor, protested against these proceedings; but Porter went on, strikes in with Colonel Cary, the late deputy-governor, whom he had by his complaints turned out, chooses him president by the votes of the very same councillors who had before choosen Mr. Glover, and all this by virtue of that very commission which removed him from the government. From this sprung the great confusions in which I left that poor, distracted colony. There were two competitors for command; each drew their party in arms to the field, one man was killed before I came away, and God knows how far they have carried these contentions since.

I did, at my arrival in England, lay the whole state of these affairs before the lords proprietors, who, no doubt, will take a speedy and effectual method, not only to suppress the present, but prevent such disorders for the future; and there is now a gentleman appointed governor of that province [Hyde] who, by his prudence, will in all likelihood cool the present heats, and lead them on gently toward a regular and lasting establishment, to the advantage of the proprietors and peace to the country.

And now, sir, I shall examine a little the Quakers' pretences, who plead that they were the *first* settlers in that country; but this (according to the best accounts I could get) seems false in fact,—that religion being scarce heard of there till some years after the settlement; it is true, some of the most ancient inhabitants, after George Fox went over, did turn Quakers.

They allege they are the chief inhabitants, promoters, and upholders of its interests; but this must be either by their number, riches, or prudence. As to their number, they are, at this time, but about the tenth part of the inhabitants; and if they were more, they would be but the greater burden, since they contribute nothing toward its defence. Neither is it by their riches, there being but few or no traders of note amongst them; beside, the levy there is raised per poll, and not by the estimate of men's estates, so that the poorest pay as much as the richest. And it is so far from being by their prudence, that on the contrary, their ignorance and obstancy are but too remarkable upon all occasions, of which they have given a very evident proof by being the great promoters of the present confusions of that colony; so that I see no right they have to such a share in the government as they pretend. The charter, I am sure, grants them none, nor does it give power to the lords proprietors to grant any, neither have they by their constitution done any such thing; and if there be any privileges granted to the inhabitants, it is to such only who bear arms, so that it was other dissenters, not Quakers, they intended to invite thither by those indulgences. As for liberty of conscience, none may more peaceably enjoy it, if they would therewith be content.

I could not but take notice of their irreverent carriage, in subscribing their solemn affirmation. Mr. Archdale himself uncovered his head to hear a foolish woman make an unaccountable clamor before meat, at his own table; but when he subscribed the oaths to be taken for putting in execution the laws of trade, he did it with his hat on, which is an error no Barclay has made an "apology" for.

I have observed, amongst the worst of the other sort, when they came to the Book they showed a reverence, and there appeared an unwillingness upon them, which serves the great end of God and the queen, in the discovery of truth, whilst the careless and unseemly behavior of those men is openly scandalous and profane.

I shall now, sir, give you some small account of the particular precincts. You will see, by the plain draft, the largeness of so much of the country as is laid down, the bearings of the land, the number of tithables in each precinct. The roads are generally very bad, especially in Paquimans and Pasquetank, which makes it a very troublesome work for one minister to attend two precincts.

Chowan is the westernmost, the largest and thinnest seated; they built a church some years ago, but it is small, very sorrily put together, and is ill looked after; and, therefore, I prevailed with them to build another,

which they went about when I came away. The plan of it I brought over, and was desired to procure, if possible, from the society, as much glass as will be necessary for the windows, which by computation will amount to 325 feet.

There are, I think, no Quakers or any other dissenters in this parish: the people indeed are ignorant, there being few that can read, and fewer write, even of their justices of peace and vestrymen; yet to me they seemed very serious and well inclined, both in public and private, many of them being very ready to embrace (as far as they could) all opportunities of being instructed. The worst is, that the narrowness of their sense and conceptions occasions many differences and quarrels amongst themselves, for which no man can find any shadow of reason, but their ignorant mistakes of one another's meaning, and upon this account I found these more frequent here than in any other country I have ever travelled.

This precinct was one of the two I attended, and being very large, and divided by the Great Sound and several rivers and branches, was very troublesome; however, I was in all the parts of it, baptized almost a hundred children, distributed those small tracts which were sent over, settled a schoolmaster, and gave some books for the use of scholars, which the church-wardens were to see left for that use, in case the master should remove.

The greatest difficulty I met with was, in some, an obstinate aversion to god-fathers and god-mothers; neither sense or reason could prevail with them: in this, therefore, I bent my strongest endeavors with one or two, who, by their character for sense and sobriety, had some influence over the rest; with whom having prevailed, all were convinced and followed their example; and so they would oftentimes, in any thing else, without examining the cause or troubling themselves for reasons, this being a general rule for their practice in all other cases. However, I am confident they are yet, by the blessing of God on the pious care and prudent conduct of some diligent minister, in a capacity of being made devout Christians and zealous Churchmen; whereas, if they be left alone, the principles (and it is to be feared the practice too) of religion and morality will be, in a short time, quite defaced.

The next precinct is Paquimans, under my care equally with the other. Here is a compact little church, built with more care and expense, and better contrived than that in Chowan; it continues yet unfinished, by reason of the death of one Major Swan, about September, 1707, who zealously promoted the interests of religion in general, and forwarded,

by his continual pains and expense, the building of that church in particular, when there was none in the country. Here is no library or other public books whatever.

The Quakers in this precinct are very numerous, extremely ignorant, insufferably proud and ambitious, and consequently ungovernable: this made my work more difficult than it was in Chowan. They doubled their efforts and contrivances against my endeavours; their meetings amongst themselves were more frequent, and their attacks upon others furious. However, as these things cost me the more pains, so I used the utmost circumspection both in public and private, and if at any time I took occasion to preach against their principles, as now and then I found it necessary, I was as moderate as was possible in my expressions, free from harsh reflections, and always pressed the truth, as much for its own sake as for the Church's which professed it; and this I found had a better effect than the rougher methods, which, it seems, had been formerly used with them; for by such means, and the success of some small favors I showed them in physic, they not only became very civil, but respectful to me in their way, and have many times entertained me at their houses with much freedom and kindness.

This precinct is not so large as Chowan, and, though the roads are worse, the journeys are shorter. Here are twelve vestrymen as in the rest, but most, if not all of them very ignorant, loose in their lives, and unconcerned as to religion; it was not in my power to get one meeting with them, while I was there, notwithstanding my best endeavors to obtain that favor. Their ill example, and the want of ministers and good books, have occasioned many who were better disposed, through ignorance, to join with the Quakers; being willing to embrace any thing that looks like a religion, rather than have none at all. Yet I am apt to think that some of these poor souls may be regained, several having told me they owed their first departing from the Church to the ill example and imprudent behavior of their ministers; and therefore it seems absolutely necessary that, if any minister be sent thither, he should, if possible, beside an exemplary life and diligent attendance on all the duties of his function, be shonld be as well read in men as in books, and will find as much if not more occasion for the one than the other.

And as he will meet with unaccountable tempers, so they will require uncommon methods to deal with them, in order to gain credit, and, consequently, an access to their hearts. Here and in Chowan the ways of living are much alike; both are equally destitute of good water, most of that being brackish and muddy; they feed generally upon salt pork, and

sometimes upon beef, and their bread of Indian corn which they are forced for want of mills to beat; and in this they are so careless and uncleanly that there is but little difference between the corn in the horse's manger and the bread on their tables: so that with such provisions and such drink (for they have no beer), in such a hot country, you may easily judge, sir, what a comfortable life a man must lead; not but that the place is capable of better things, were it not overrun with sloth and poverty.

The next precinct is Pasquetank, where as yet there is no church built; the Quakers are here very numerous; the roads are, I think, the worst in the country; but it is closer seated than the others, and better peopled in proportion to its bigness. In their way of living they have much the advantage of the rest, being more industrious, careful and cleanly; but above all I was surprised to see with what order, decency, and seriousness they performed the public worship, considering how ignorant people are in the other parishes. This they owe to the care of one Mr. Griffin, who came here from some part of the West Indies, and has for three years past lived amongst them, being appointed reader by their vestry, whose diligent and devout example has improved them so far beyond their neighbors and by his discreet behavior has gained such a good character and esteem, that the Quakers themselves send their children to his school, though he had prayers twice a day at least, and obliged them to their responses, and all the decencies of behavior as well as others. After Mr. Adams was settled here I found it improper for Mr. Griffin to stay, and therefore, notwithstanding the large offers they made him if he would continue, he consented to fix in Chowan, where I left him, having procured for him a small allowance from the vestry; but I am afraid the hardship he will meet with in that part of the country will discourage him, if not force him from thence, though he promised me to hold out as long as he could.

Curratuck is the eastermost precinct, including the Sand Banks and some part of the south side of the Sound: a very incommodious place for damp colds in winter and musquitoes in summer. I never travelled through this parish, so I can give but a very little account of it. They have no church, nor ever had any books sent them. Mr. Adams has at present under his care this precinct and Pasquetank, from whom an account at large may be best expected.

Bath county contains most of that land which lies to the southward of Albemarle Sound to Pamplico River, and about thirty or forty miles more southerly to Neuse River, which (being but lately peopled with a few French who left Virginia) is not laid down in the draft.

They have divided the whole into three precincts or parishes, though the inhabitants of all are but equal in number to any one of the other, most of which are seated on Pamplico River and its branches. Here is no church, though they have begun to build a town called Bath. It consists of about twelve houses, being the only town in the whole province. They have a small collection of books for a library, which were carried over by the Reverend Doctor Bray, and some land is laid out for a glebe; but no minister would ever stay long in the place, though several have come hither from the West Indies and other plantations in America; and yet I must own, it is not the unpleasantest part of the country,—nay, in all probability it will be the centre of trade, as having the advantage of a better inlet for shipping, and surrounded with most pleasant savannas, very useful for stocks of cattle.

In this as in all other parts of the province, there is no money; every one buys and pays with their commodities, of which corn, pork, pitch and tar are the chief: pork at 458 per barrel cent.—250 lbs. weight, pitch at 258 per barrel, corn at 250 per bushel, and tar at 152 per barrel, which prices (though fixed by their laws) they can seldom reach for it anywhere else, after considerable expense and risk; so that, by their computation, the difference of their money to sterling is as one to three; and if you buy a plantation there for £300 of their pay, they will much rather take £100 in England.

Thus, sir, I have, in obedience to your commands, given you this plain and, I am sensible, imperfect account of North Carolina, a country but wild and imperfect in its circumstances; and in all I have said to the disadvantage of the people in general, I must beg some exceptions, as few as you please, there being, here and there, a gentleman whose substance, sense in managing, and methods of living, somewhat exceed the rest; but they live at such distances, that, as by their example they have but little influence, so, upon the same account, they can as little contribute to the easiness of a missionary's condition, who is forced to take up with what conveniences he can find not too many miles distant from the churches he is obliged to attend; and this will necessitate any minister who goes over to purchase land, buy servants, build a church, and improve a plantation, before he can live tolerably; which will require more expense than the encouragement given will bear.

If, sir, you think this worth communicating to the honorable society, I leave it to your discretion, and am sir,

Your very humble and obedient servant,

WILLIAM GORDON.

[B. P. R. O. VIRGINIA. B. T. VOL. 40. PAGE 405.—EXTRACT.]

LORDS OF TRADE TO EDMUND JENINGS ESQ^re

Sr July 21st 1709.

Since our Letter of the Tenth of March a Duplicate whereof is here inclosed. We have received two Letters from you of the 21st of November and one of the 21st of March last, with the Papers therein referred to.

We represented to her Majesty what you formerly writ us in relation to the settling the Bonndaries between Virginia & the Province of Carolina: Her Majesty was thereupon pleased by her order in Councill of the 13th January last to direct us to propose to the said Lords Proprietors of Carolina the Issuing of such a Commission as aforesaid

Whereupon we writ to the Lords Proprietors of Carolina and have received their answer the purport whereof is that they have appointed John Lawson and Edward Moseley Esq^rs to be Commissioners on the part of Corolina for surveying the lands in dispute and settling the Boundaries as aforesaid, and in their answer they did further declare that they were willing in case of any dispute between the said Commissioners and those on the part of Virginia to submit the same to her Majesties Decision.

We thereupon represented that her Majesties Letters mandatory be sent to the Governor or Commander in Cheif of the said Colony of Virginia for the time being directing him in Concurrence with the Councill there, to issue out a Commission under the seal of the Colony thereby constituting and appointing two fit and able persons to be Comissioners on the part of Virginia to act in conjunction with the Commissioners appointed on the part of Carolina for the purposes before mentioned & requiring the said Governor or Commander in cheif for the time being to Transmit to her Majesty under Seal of the Colony an Account of such Commissioners Proceedings for her Majesties farther pleasure therein. All which have been approved of by her Majesty and directions will be sent you accordingly.

As to the Exemption you mention to be granted by the Proprietory Governments to people that remove thither from being sued for Debts contracted in other Places we hope that matters is remedyed at least in Carolina. For an Act having been past there granting such an Exemption we laid the same before her Majesty with our Opinion of the ill Consequence of such Laws.

Whereupon her Majesty was pleased to repeal the said Carolina Act. But if that practice of protecting Creditors be still continued in Carolina or any other of the Proprieties you will do well to give us as particular an Account thereof as you are able that we may lay the same before her Majesty for her further pleasure therein.

* * * * * * *

Your very loving Friends

DARTMOUTH
PH: MEADOWS
CHA: TURNER.

Whitehall
July 21th 1709.

[B. P. R. O. N. C. B. T. 7. p. 22.]

Craven House August ye 4th 1709.

Present

His Excellency William Lord Craven Palatine
His Grace the Duke of Beaufort
Sir John Colleton Barrt
John Danson Esqre

Agreed that the Lords Proprietors will subscribe Twenty pounds to Mr Lawson for Maps of North and South Carolina. Signed by the Board a Commission to the Honble Christopher Graffenried to be a Landgrave of Carolina.

Signed a Warrant and duplicate to the said Christopher Graffenried for five thousand acres of land in North Carolina.

Received Fifty Pound purchase money of the said Christopher Graffenried for the said Land.

Paid the Honble Lord Craven.	£5 7 6
Paid his Grace the Duke of Beaufort.	5 7 6
Paid the Lady Carteret for her son.	5 7 6
Paid Mr Ashley.	5 7 6
Paid Sr John Colleton.	5 7 6
Paid Mr Danson.	5 7 6
	£32 5 0
Remains in ye Secretr hands.	£17 15 0

[B. P. R. O. N. C. B. T. 7. p. 24.]

CRAVEN HOUSE Sept 3rd 1709

Present

His Grace the Duke of Beaufort for himself and the Palatin
The Honble Maurice Ashley Esqre
Sir John Colleton Barrt
John Danson Esqre

A Proposal was read from Christopher de Graffenried and Lewis Michel Esqrs It was agreed that a Warrant be prepared to the Surveyor General of North Carolina to admeasure and set out 10,000 Acres of land to the sd Christopr de Graffenried and his Heirs and that grants be passed accordingly.

To the 2nd Proposal relating to the poor Palatines that shall be transported into North Carolina, It was resolv'd that their Lordships will not undertake to provide them with all provisions they shall want but they will give directions to their Receiver General to supply the Palatines with such provisions as he shall have of their Lordships in his hands and may be spared from the necessary use of the government at the same rates he received them the sd Christopr de Graffenried and Lewis Michel paying their Lordships for the same in sterling money in London at the end of two years after the arrival of the Palatines in North Carolina at £50. per Cent discount.

Memdm the Secretary received a Bill of £100. payable to him for the use of the Lords Proprietors upon Christopher de Graffenried and due upon the 1st of Janry next ensuing

Sign'd a Warrant for Christopr de Graffenried for 10,000 Acres of land in North Carolina Agreed that Mr Luis Michel have a Warrant for 3500 Acres of land in North Carolina to him and his heirs he paying for the same according to the rate the Swiss Cantons purchased their Land in that part of the Province aforesaid.

Adjourned sine die.

[B. P. R. O. N. C. B. T. 7. p. 26.]

CRAVEN HOUSE September 22nd 1709.

Present

The Honorable Maurice Ashley Esqre
Sir John Colleton Barrt
John Danson Esqre

Sign'd a letter to the Governo^{r} to recommend the Poor Palatines to the Assembly in North Carolina

Sign'd a Warrant for Mr Luys Michel for 2500 acres of land in North Carolina

Sign'd a Warrant to Christoph^{r} Gale Esqre Receiver General to supply the poor Palatines with such Provisions & Effects &c. upon their arrival there as their Lordships shall have in his hands towards the support and maintenance of the poor Palatines afore^{d}

[From the MSS. Records of the Friends' Monthly Meetings in Pasquotank Precinct.]

At a Monthly Meeting in Pasquotank at Symons' ye 13th 8th Month 1709.

Friends met as usial to Inspect into the affairs of the Church Jeremiah Symons Junr appeared and through the Perswasions of Some friends Did acknowledge his Errors as followeth I Jeremiah Symons do sincerely acknowledge that I am heartily sorry for my forward & unsavory Expressions & abuse given to friends of what sort soever since their Judgment was passed against me and paper of condemnation against me for my disorderly act for which they gave judgment against me as witness my hand—Jeremiah Symons Junr

Also at the above said meeting Mathew Pritchard acquainted friends that he had a concern upon his mind to visit friends in Virginia & desireth a few lines by way of certificate to friends there. The Meeting consenting thereto do appoint William Everigin and Benjamon Pritchard to write the same.

[From N. C. Letter Book. S. P. G.]

Mr ADAMS TO THE SECRETARY.

Sir:— Va Oct 4 1709

I doubt not but Mr. Gordon informed you, by word of mouth, that, when we came hither, we found the government in the hands of such persons as were promoted for God's service and good order, and from whom

we met with all reasonable encouragement in the discharge of our mission. But now the case is sadly altered, for the Quakers, alarmed at our arrival, did, in a most tumultuous manner, stir up the ignorant and irreligious, who are by much the greater number in this colony, by bold lies and calumnies against both the government and us; and we are now ruled by such as are generally friends only to drunkenness, irreligious and profane, insomuch that in many places where before I met with all encouragement and civility, I find nothing but reproaches, threatenings, and ill usage; and many, who then seemed zealous and forward, are now turned quite back. Mr. Gordon had experience of these things in some measure before he went over, but now things are carried to far greater extremes. The abuses and contumelies I met with, in my own person, are but small troubles to me in respect of that great grief of hearing the most sacred parts of religion impiously profaned and ridiculed. We had a communion lately, and the looser sort at their drunken revelling spared not to give about their bread and drink in the words of administration, to bring into contempt that most holy sacrament, and in derision of those few persons who then received it; and yet such flagrant crimes, notwithstanding of my complaint to our magistrates, go unpunished and unregarded. We daily expect in our new governor, who, I hope, will set the country again in order and redress our grievances. I pray God he may prove a good man, for upon his disposition will very much depend the further fruit of my mission.

In the precinct of Pascotank, where I chiefly resided last year, are thirteen hundred and thirty-two souls, whereof nine hundred profess themselves of the Church of England, excepting some few Presbyterians, who now constantly join themselves with us in our service, have had their children baptized by me, and are willing to have them brought up in our way of worship. There are about eleven who profess no religion; two hundred and ten Quakers, and two hundred and eleven negroes, some few of which are instructed in the principles of Christian religion, but their masters will by no means permit them to be baptized, having a false notion that a Christian slave is, by law, free. I have baptized, since I came, between the parishes of Pascotank and Caratauk, two hundred and thirteen children and two adult persons. I have administered the sacrament of the Lord's Supper three times: twice in Pasquotank, where I had fourteen communicants; the second time I had twenty-four; and the last time I administered in Caratauk, where I had thirty—the names of all which, housekeepers, communicants, and baptized persons, &c., I have by me in my Notitia Parochialis, according to my instructions.

I have lately lived mostly in Carataŭk, but it is a precinct of so large an extent, and so much divided by water, that I have not yet been able to get passages into all the extreme corners of it.

In my next I shall send you an account of that parish, which is not above half as populous as Pascotank, and but one professed Quaker in the whole bounds. Had the government continued as we found it, there had been churches built now; but since the Quakers and their accomplices have got to the helm, all such thoughts are laid aside.

I have not since I came to the country, received so much as to pay for my diet and lodging, and if I had not drawn bills upon Mr. Hoar, I had been in great want. I have a very laborious mission, the places I preached at being some of them sixty, others above seventy miles distant. I bless the Lord I have had my health well, and I pray God to give me his grace so to direct my ways in this troublesome and unsettled country, as not only to acquit myself with applause to those good men who sent me, but that I may be likewise able to give a comfortable account of my stewardship at that dreadful tribunal where the secrets of all hearts shall be disclosed, which shall be the daily prayer and faithful endeavor of,

Sir, yours, etc.,

JAMES ADAMS.

I wrote to you formerly of one Mr. Griffin, who had behaved himself very remarkably in the office of a reader and schoolmaster: he has fallen into the sin of fornication, and joined with the Quakers' interest, which has proved great stumbling-block to many of our persuasion.

1710.

[B. P. R. O. B. T. J. 21. p. 363.]

WHITEHALL. February 10th $170\frac{9}{10}$

Mr Byfield attending presented to their Lordships a Memorial in behalf of himself and Company containing his proposal for contracting to furnish Her Maj. Navy with pitch and tar from Carolina which was read And he added in discourse that he did not believe that those commodities could now be had in Sweden at the rate he offered them for.

[From North Carolina Letter Book. S. P. G.]

MR. ADAMS TO THE SECRETARY.

Caratauk, March 27, 1710.

Sir:—

In my last I gave you a large account of the sad disorder and confusion of our country, and till authority interposes we are likely to continue in the same deplorable condition. We have long expected our new governor, but now begin to despair of his coming. I have taken particular care to write over, according to my instructions, but have not heard from the society since my arrival in America, which makes me very uneasy, not knowing whether or not my letters have got to your hands. Nothing but my true concern for so many poor souls, scattered abroad as sheep having no shepherd, and my duty to those good men who repose this trust in me, could have prevailed on me to stay in so barbarous and disorderly a place as this now is, where I have undergone a world of trouble and misery both in body and mind. Had the government continued as Mr. Gordon and I found it, I doubt not but I should have been able to have given a very successful account of my mission; but as long as things continue as they are, I can scarcely have hopes of making proselytes and gaining over that number which, if backed by authority, I, by the grace of God, might probably have done. I have met with so many discouragements (of which my not hearing from you is none of the least), that I intend (please God) next summer or fall, as a passage shall offer, to embark for Great Britain, and shall, I hope, produce such testimonies of my endeavors and behavior in every respect, as shall satisfy you all well of my diligence and fidelity.

We have in this parish of Caratauk five hundred and thirty-nine souls, whereof ninety-seven are negroes, one Quaker, and five or six of no professed religion; the rest all join with me in our Church service. I have baptized, this last year, thirty-five children between the precincts of Caratauk and Pascotank, and some of Perquimmins. I administered the Lord's Supper Christmas last, and had twenty-seven communicants.

I am, with all respects, sir, yours, etc.,

JAMES ADAMS.

[B. P. R. O. N. C. B. T. 7. p. 33.]

CRAVEN HOUSE Aprill the 6th 1710

Present

His Grace the Duke of Beaufort.
Maurice Ashley Esqr
Sir John Colleton Barrt
John Danson Esqr

Agreed that the Baron de Graffenried and Mr Lewis Michel shall have a lease of all royal mines and minerals in the Province of Carolina that they shall discover and work for the term of 30 years, they being at the entire charge The produce of it to be divided into eight parts whereof four eights are to be paid to the Lords Proprietors the other four eights to the said Baron de Graffenried and Mr Lewis Michel for the term of 5 years after any such Mines shall be found and opened. But after the aforesd term of five years then the Lords to have five eights, the said Baron de Graffenried and Mr Lewis Michel three eights the Lords being to pay the Crown the fourth part according to the Words of the Charter.

Ordered that the Secretary do give a copy of these Minutes to the Baron de Graffenried which was done accordingly.

[FROM POLLOCK'S LETTER BOOK.]

A COPY OF A LETTER TO Mr CHENIN: AND Mr BOYDS

VIRGINIA April 16. 1710

GENTLEMEN

I should have been glad to have had the happiness of enjoying your good Company with the President and Mr Knights, and still hope (when your leisure permits) you will come and spend a day or two with us in this Wilderness. I thought it my duty to communicate to you what news I lately had in a letter from Mr Frederick Jones. He writes to me that Mr. Lawson, having been lately at his house, informed him that the Lords Proprietors are desirous of having Col Cary called to a strict account for their dues: and that also (after their ambiguous manner) they

have directed some warrants and precepts to the President and Council, and by what he could gather from Mr Lawson, not naming Col Cary, but he seemed rather inclined to believe, if directed to any person, they are to President Glover. So that Mr Jones thinks it would be proper that some person should discourse Mr Lawson in order to concert such proper methods as may put the government again on its proper foundation: to which he seems to think Mr Lawson may be pursuaded to incline, both on the Lords Proprietors account and also on his own. Now as I am very much persuaded that the Lords Proprietors would not direct any writings, precepts or warrants to Col Cary as President, nor anywise acknowledge the legality of his pretended presidentship: so likewise I am apt to believe they would not direct them to President Glover. My reason is because the Lords Proprietors knowing what confusion is in the country they would not be willing by openly joining either party, to foment, the difference, until the Governor or Deputy Governor arrives. But it seems more reasonable to me, (considering the Lords Proprietors common way of acting) to believe that these writings were only directed to the President and Council without naming any particular person, with some instructions to Mr Lawson or Mr Gale how they shall proceed theirin. And I believe it very nessary to dissuade, all ye can, from applying in any manner to Col. Cary as President: and I believe it would do very well to assist at this time President Glover with what you can, with your advises and otherwise. What news you have from Mr Gale or any otherwise of moment, please to acquaint me by the bearer, and of the proceedings of this last (wise) Council at Perquimens, if they had any. And if any news of any moment comes to me, you may be sure to have them from him who really is

Gentlemen your L° S T. P.

Mr Chevin

Having a few skins to send out by the first oppertunity, would intreat the favour of your advise whether Mr Porter in carrying out his skins hath not opened their eyes as to the illegality of that Assembly, and whether may not send out some without paying their unreasonable and illegal duty. Also, the above from Mr Jones have not communicated to any person but yourselves, wherefore would intreat your secrecy therein.

[From Pollock's Letter Book.]

A COPY OF A LETTER SENT TO PRESIDENT GLOVER BY Mr MAULE

Verginia April 16:

Hond Sir

Wednesday the 12th instant Tho. West returned from Mr Jones who informed me that Mr Lawson was just gone from his house when Tho. West came; and that Mr Lawson informed him that the Lords Proprietors are desirous of having Col. Cary called to a strict account for their dues. And also after their ambiguous manner have directed some warrants and Precepts to the President and council: and by what he could gather from him not directed to Col. Cary; but if directed unto any one; Mr Jones conjectures they are directed to your Honor: So that Mr Jones thinks it would be proper for your Honor to get Mr Knight or some other fit person to discover Mr Lawson in order to concert such proper methods as may put the government on its proper foundation, to which he seems inclined to believe Mr Lawson may be drawn, both on account of the Lords Proprietors and also on his own account. The above notice is the substance of Mr Jone's letter. Having the above written I am very apt to believe the Lords Proprietors would not direct any writings, Warrants, or precepts to Col. Cary as President, nor any wise acknowledge the legality of his pretended Presidentship. Neither do I imagine they have directed them to your Honor by reason that knowing the confusion in the country, they would not be willing (by openly joining either party) to foment the differences. But it seems more reasonable to me (considering the Lords Proprietors common way of acting) to conjecture that these writings are only directed to the President and council, without nameing any particular person, with some instructions to Mr Lawson or Mr Gale how they shall proceed therein. Now if it should be so, and that Mr Gale and Mr Lawson (considering the justness of the cause, the Lords Proprietors interest and their own advantage) should incline to apply themselves to your Honor, as President it is to be well considered of how it could be managed for want of Deputys, or, if their were Deputies, wheither it were worth while to be at the trouble of new modelling and settling the government for such a little time as until the Governor or Deputy Governor's coming in, especially not knowing what alterations may be then made; or, may be, some mistake might fall out in the man-

agement, which might tend to the disadvantage of our cause: and whether it might not be better if Mr Gale and Mr Lawson could be persuaded not to apply themselves to either, but to stay until the Governor or Deputy Governor's arrival.

But if Mr Lawson and Mr Gale be so very earnest to have their commissions recorded that they may go on the execution of their Office, and pretend a necessity of applying themselves to one or the other, I believe it would be well to lay before them, in applying to Col. Cary, not only the unjustness of it in acknowledging an unlawful government there scarcely being one of the Council legally qualified, but also the damage that may thereby accrue both to the Lords Proprietors and themselves: all of which I know your Honor can safely make appear to them. And I believe, if the pretended Council fall —— acting it might do better if they would apply themselves to your Honor. And I believe likewise it would be very necessary to pursuade them if possible not to apply to nor acknowledge Col. Cary and his pretended Council

Hond Sir I am sorry we are so separated that we can not communicate together, but I leave to your prudent management, who I know will do the best you can for the Lords Proprietors interest and good of the country, which is earnestly wished by

Sir Yours T. P.

Hond Sir Pray let me hear by the bearer all the proceedings of this last Council, or any other news of moment.

Sir Yr T. P.

Postscript April 15th 1710

Hond Sir I have been two or three days longer in sending this than I intended by reason I had some expectations of seeing Mr Reading here: but he not coming, I thought it was not necessary to stay longer, and have no more to add but only to remind your Honor that, albeit, it be very necessary to disswade Mr Gale and Mr. Lawson from applying to or any way acknowledging Col. Cary and his pretended Council, yet I believe you ought seriously to consider and duly weigh all circumstances, in retaking the government, unless as above said these writings directed from the Lords Proprietors to your Honor, and to uphold the Government from falling. I have not comunicated any of this matter to any person besides your Honor, but to Mr Chevin and Mr Boyde, who I doubt not are trusty, and will be ready to serve or advise you Honor in any thing they can.

[From Pollock's Letter Book.]

A COPY OF A LETTER TO Mr JOHN LAWSON, BY Mr MAULE, TO BE LEFT FOR HIM AT PRESIDENT GLOVER'S.

Mr Lawson May 27th 1710

Almost ever since you left America I have been removed to Virginia, not being willing to live under a government I knew was altogether illegal, and to avoid occasion of difference; and I was glad to understand of your and Major Gale's arrival from England, hoping that you may have brought some order's, or at the least news of the settling of the Government. I doubt not you knew that upon Mr Porter arrival from England, with the instruments of writing from the Lords Proprietors superceeding Col. Cary, and giving all the power of Administration of the government to the President, that I was not present nor at the choosing Mr Glover President, neither at any other of their meetings, until your meeting at my house in may, after being about half a year having been sickly all that time, at which meeting at my house, I, being of opinion that Col. Cary had hard measure in seising his brigantine, endeavoured all I could to bring all matter to agreement, which I effected at that time; when Mr Glover was allowed of and confirmed President by Col. Cary, Mr Porter, and all the Council and proclamations issued out to command the obedience of all the people to [the] then established government, So that the consideration of the commission from the Lords Proprietors to the President, their being no other President they could direct to, neither they knowing of any other, and the first chosen by all the Deputys in the government but myself, and then the last confirmation by all the council, with the proclamation aforementioned, fully satisfyed me of President Glover's right to the Presidentship. So that I was obliged by the oath of fidelity to the Lords Proprietors to obey President Glover's lawful orders, and maintain the Lords Proprietors Government so far as lay in my power; and acted nothing but by the Presidents order. And I am conscious to myself that I acted for no particular interest of my own, for I could in all reason [have] Expected as much favour on any account from Col. Cary, if he had continued in the government, as from President Glover. But it was altogether on account of what I was obliged to do. And having acted so, I did not think it necessary to trouble the Lords Proprietors with letters from me who acted only under

another as a great many others in the government did. Nothwithstanding all which precautions it seems some malicious persons, out of particular hatred they had to me, or rather to clear themselves of what they were guilty of, have endeavoured falsily to inform the Lords Proprietors that I was a cause of the late troubles.

Wherefore, Sir, not doubting, but you have some knowledge not only of what Mr Porter, Mr Moseley, and that party have writ to the Lords Proprietors, but also of the Lords Proprietors sentiments, and orders to their Governor, or Deputy Governor, thereanent, would earnestly intreat the favour of you to acquaint me with the whole matter, (if you be not obliged no ways to the contrary) and assure yourself, if you think it necessary, it shall be locked up in my breast, not to be divulged untill you please, and also your kindness in it shall be ingraven in my mind in indelible characters.

Also, Sir, I have another favour to beg of you. There being a young gentleman (the bearer hereof) one Mr Wm Maule on whom fortune hath frowned, having been twice taken by the French and lost very considerably, and being, I believe, very capable of surveying, (if you have not deputed any other in Albemarle county or at least in Chowan precinct) you will find him (if it lie within your conveniency to depute him) capable, diligent, and faithful, and it will be a very great obligation to

Yr S^{t} S^{r}

T. P.

Postcript Sir If you have not an opportunity to send me an answer by Mr Maule, (who, may be, will not have the opportunity of seeing you) send it to Mr. David Henderson's, or to Robert West's at Choan, where I doubt not of having it safe.

[From N. C. Letter Book. S. P. G.]

VESTRY OF CARATUCK TO THE SOCIETY.

August 25 1710.

We the Church Wardens and Vestrymen as representatives and at the request of the Precinct and Parish of Carahtuck in N. Carolina do desire to offer our grateful acknowledgements in the most humble and hearty manner to the most Revd Father in God Thomas Lord ABp. of Canterbury &c. President and the rest of the members of the Society for

the propagation of the Gospel in Foreign parts for their pious care in sending the Rev^{d} Mr. James Adams among us who has during his abode here (which has been about two years & five months) behaved himself in all respects as a Messenger of the mild Jesus, exemplary in his life, and blameless in his conversation and now being bound for England we with sorrowful hearts and true love and affection take our leave of him; we shall ever bless that providence that placed him among us and should be very unjust to his character if we did not give him the testimony of a pious and faithful pastor whose sweetness of temper, diligence in his calling and soundness of doctrine has so much conduced to promote the great end of his Mission that we hope the good seed God has enabled him to sow will bear fruit upwards which has in some measure appeared already for the Sacrament of the Lords Supper was never before his arrival never administered in this Precinct, yet we have had more communicants than most of our Neighbouring Parishes of Virginia who have had the advantage of a better settled Ministry for many years.

We have no more to add but beg the Hon. Society will be pleased to continue us still under their charitable care for whatever our merits be, our necessities are great and all the return we are able to make is to praise God for raising up so many truly good friends to our souls and that Heaven may prosper you in so laudable so pious and so charitable a design shall ever be the subject of our Prayers. Given under our hands this 25th day of August 1710.

RICHARD SANDERSON SEN^{r} } Church
JOHN BENNETT } Wardens
JOHN HODGSON
Wm STAFFORD
BEN. TULLE
Wm WILLIAMS
R^{d} SANDERSON JUN^{r}
EDWARD TAYLER
FOSTER JARVIS
THOMAS TAYLOR
THOMAS NANDERMUDEN
THOMAS FOURDOTS.

[From N. C. Letter Book. S. P. G.]

PASCOTANK VESTRY TO THE SOCIETY.

August 26. 1710.

To the most Reverend Father in God Thomas Lord Archbishop of Canterbury & President and the rest of the Members of that Hon and Noble Society for the propagation of the Gospel in Foreign parts.

We the Church Wardens & Vestrymen of the Parish & Precinct of Pascotank in the Province aforesaid on behalf of ourselves & at the earnest request of the Inhabitants of aforesaid Precinct do in all humility & sincerity render our most hearty & unfeigned thanks & acknowledgements to the Honble and noble Society for that pious and charitable care for the eternal welfare of our immortal souls in sending the Rev^{d} Mr. James Adams amongst us our Pastor, who by his vigilant faithful and painful preaching and due administration of the Sacraments, his exemplary and blameless conversation together with his peaceable and sweet temper and deportment all the time of his residing here (which has been 2 years and 5 months in this Parish and caratuck) has justly merited the character of a faithful painful pastor and orthodox minister of our Lord & Saviour Jesus Christ.

We hope the fruits & effects of his ministry &c will appear abundantly in our lives & conversation to the Honor of Almighty God & our souls everlasting peace & comfort.

Divine Providence calls for his departure from us. We take our leaves with great sorrow for our loss, which we hope may be his gain; in humbly begging of the Honb^{le} & Noble Society to extend their further piety & charity towards us that the work of grace so happily begun by the indefatigable pains & singular piety of the Revd Mr Adams may be seconded & back with the like proceedings & crowned with an answerable conclusion and that the Honble Society may have a confluence of happiness heaped upon them here & hereafter shall be the daily prayers of your Honors most humble supplicants whose names are hereunto subscribed this 26th day of August 1710

THO. BOYD	NIC CHEVIN	FRAN DE LA WARE
ROBERT WALLIS	SAM DAVIS	JOHN DAVIS
JOHN JENNINGS	ROBT LOWRY	ANTHONY HATCH
Wm RELFE	JOHN PALIN	THO RELFE

[From Pollock's Letter Book.]

A COPY OF A LETTER SENT BY MR MAULE FOR ED HYDE ESQ^{r} DEPUTY GOVERNOR, NEWLY COME OUT OF ENGLAND.

Hon^{d} Sir Blackwater August 29th 1710

I humbly congratulate your safe arrival For having removed myself from North Carolina here in the borders of Virginia, because I would not live under a government I knew was altogether illegal, I have therefore earnestly wished for your Honour's arrival, ever since I knew you were designed here, that the government being settled I might remove myself to my habitation, not doubting (by the great and good character you have) that you will settle our religion, lands, and liberties on such sure foundations, that they may never more be in danger to be insulted and and trodden down by Quakers, Atheist and Deists, and other evil disposed persons, and healing all our differences, distractions and disorders, encouraging trade, and protecting the people in all their just rights and privileges, you may be happy in performing so great and good a work, and the people happy under so good a Governor. The doubt of the certainty of your Honor's being arrived, and the uncertainty to meet you hath hindered me from waiting on you at this time, but (God willing) intend to wait on you as soon as you arrive in North Carolina.

Hon^{d} sir John Ardeon! Esqr when last with me was thinking it would be more convenient to transports your goods this way by Choan river than by Curetucke, because of the shoals by the way of Curetucke. Wherefore if your Honor thinks convenient to transport them by Choan river, I have a small sloop at your service. I shall intreat your answer by the bearer, and if any way I can be searviceable to your Honor, you shall need but to command

Your Honor's M: H. and O: S^{t}

T. P.

[From the Mss. Records of the Friends Monthly Meetings in Pasquotank Precinct.]

At a Monthly meeting Held in Pasquotank at Symon's Creek ye 19th Day of 8th Month 1710 Friends met as their manner is to Inspect into the affairs of said meeting The four friends appointed to Visit Joseph

Jordan appear and inform this meeting that notwithstanding the Indeavors and perswasions with him to retract or Acknowledge his error in Striking William Griffin and refuses to hear them Disregarding their tender advice and counsil to the Dissatisfaction of this meeting and friends in General who might have given judgment against the said Disorder had it not been for Joseph Glaister & Mathew Pritchard who in their tender love to him Desired to Visit him again which the Meeting Readily assented to Desiring them to bring his result to next Monthly Meeting.

Also at the said Meeting the Overseers requested to be Released from their Service the Meeting Consenting thereto have Chosen Edward Mayo & William Everigin to serve in their stead

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[From N. C. Letter Book. S. P. G.]

COL. GLOVER TO THE SOCIETY FOR PROPAGATING THE GOSPEL.

N. C. Aug 30 1710

May it please your Lordships:—

Although the trouble and confusion this unhappy country has labored under, ever since the arrival of your lordships' reverend missionaries, has compelled me to retire from all public employments; and the poor return we are able to make for your lordships' pious care and charitable expenses, admonisheth me to lay my hand upon my mouth and keep silent till the lords proprietors shall, by their prudent care, have restored order and justice among us, under the influence of which we hope, by God's grace, to bring forth better fruit,—although, I say, these considerations had discouraged me from making any application until I could present your lordships with a fairer prospect of affairs, yet, the inclosed papers being put into my hands, I held myself bound to present them to your lordships, and join with the subscribers in the character they give of the Reverend Mr. Adams, and in which I am sure all persons who have any respect either to religion or loyalty do heartily concur. I will not enter into a relation of the success his labors have had; as to that, his reverend successor will not, as I think he is in justice bound not to be, be silent. And for the difficulties he has met with, he has waded through them under the vigilant eyes of the malicious enemies, without committing any thing unbecoming a minister of our

Lord and Saviour Jesus Christ. What is further necessary, he is himself able, by word, to supply, if any thing be wanting in the account he has already given by writing, wherein I know he has neither neglected opportunity nor spared cost or pains.

These papers ought to have come under the public seal, but that being forcibly detained in the hands of those who are professed enemies of the Church as well as to all good order, it could not be procured on this occasion: being able, therefore, to give them no greater confirmation, I humbly present them to your lordships' noble bounty to this poor country, and therein especially to your lordships'

Most obliged and humble servant,

WILLIAM GLOVER, *President.*

[From N. C. Letter Book. S. P. G.]

MR. ADAMS TO THE SECRETARY.

Va, 4 Sept., 1710.

Sir:—

About a week ago I waited upon the Honorable Mr. Hyde, who was appointed governor of our country; and, as far as I can learn, he thinks it not advisable, as things have happened, to go into North Carolina till he hears again from England; so that God only knows when our distractions are to have an end. Though we be a numerous and considerable body of people, yet we seem to be below the care of the lords proprietors, who, I am afraid, are abused by a misrepresentation of the country, made by the Quakers and their faction, or trust too much to the management of Mr. Danson a proprietor, of the aforesaid sect, who receives his informations from those of that party, particularly one Porter, a person notoriously infamous, whose practice is, in conjunction with the Quakers' adherents, when they hear of any man going from this country who is not of their interest, to write scandalous lies and calumnies against him to the lords proprietors, to lessen the said person's credit in what he shall say in relation to the state of the country. Thus they served Mr. Gordon and others, and hearing of my intentions for Europe, have probably done the same by me. But I hope the testimonies sent from the two parishes where I have lived ever since my arrival in the country, are sufficient enough to prevent all my enemies from doing me any mischief that way. Mr. Glover has been solicited by worthy persons in Vir-

ginia, who pity the lamentable condition our colony has so long been in, to write the state of the country, and dedicate it to the parliament of Great Britain and commissioners of trade; but it is resolved to be silent till he learns the determination of the lords proprietors.

I have lived here in a dismal country about two years and a half, where I have suffered a world of misery and trouble, both in body and mind; I have gone through good report and evil report, and endured as much as any of your missionaries have done before me; wherefore, I humbly pray you, and hope the honorable society will now be pleased to alter my mission to South Carolina, where I doubt not but, by God's assistance, I shall be able to do more good; and whoever succeeds me here will have this advantage, that none of the country will be prejudiced to his person (as all who adhered to the Quakers are to mine); and this in my opinion, will not conduce a little to the success of his labors. I have lodged above this year past in the house of a planter, an old man, who, before the Quakers got the government in their hands, was one of our councillors. He has, after his own decease and his wife's, left a considerable legacy for the encouragement of a minister in the parish where he lives, which is as follows, viz: A very good plantation, upon which he lives, with all the houses and some household furniture, two slaves and their increase forever, together with a stock of cows, sheep, hogs, and horses, with their increase forever; all which, immediately upon the old people's decease may moderately be valued at £200, and in some years after may prove a moderate living for a minister in itself. The old gentleman's name is Sanderson.

Since my last I have baptized forty persons, whereof six were adult palatines: the number of communicants last Easter was twenty-five.

We have in this precinct about seventy or eighty Indians, many of which understand English tolerably well, but our own distractions have hitherto prevented my thoughts of doing any great matters among them, considering the bad examples we show them.

I understand, by my lord of London's letter, that the society has been pleased to augment my salary, for which I desire to offer my most humble thanks.

I beg you will be pleased to let me hear from you by first opportunity, and remain with all respect, sir,

Your most humble servant,

JAMES ADAMS.

[B. P. R. O. B. T. VIRGINIA. VOL: 13. O. 65.]

A JOURNAL OF THE PROCEEDINGS OF PHILIP LUDWELL AND NATHANIEL HARRISON COMMISSIONERS APPOINTED FOR SETTLING THE BOUNDARYS BETWEEN HER MAJESTYS COLONY AND DOMINION OF VIRGINIA AND THE PROVINCE OF CAROLINA.

Before we enter upon the Narrative of our proceedings it will be necessary to observe that on the arrival of Her Majestys Letters Mandatory directing the appointment of Comm^rs for settling the Boundarys between Virginia & Carolina, the President & Councill thought fitt to appoint us on the 18th of Aprill last to be the Commissioners for that purpose, & on the 27th of the same month our Instructions were agreed on in Council. Thereupon Mr President (after having discoursed Mr Lawson one of the Commissioners of Carolina) writt to the s^d Comm^rs on the 5th of May notifying our being ready, & named the 9th of June as a proper time for a meeting of both Commissioners at Williamsburgh to concert & adjust the method of proceeding in this affair, In anwer to wch letter, Mr Lawson writt to the President that he had not seen Mr Moseley (the other Comm^r) that he was then very busy in settling the Palatines (in wch he expected to meet with much difficulty by reason of the distractions of that Government) and that therefore they the Comm^rs of Carolina could not meet us according to that appointment, but hoped they should be able to do it in July, & Mr Moseley in a letter of the 5th of June excused his attending the Meeting as not having then seen Mr Lawson nor the powers given them by the Lords Proprietors, but that when he had, he would give timely notice when they the Comm^rs of Carolina could meet.

Thus this matter stood at the arrival of the Lieut^t Governor who having thought it necessary to have our Instructions re-examined & considered before himself in Council, was pleased on the sixth of July to sign our Commission, & Instructions according as they had been agreed on.

On the 18th of July we received our Commission at Williamsburgh, & there hearing no farther of the intentions of the Comm^rs of Carolina, We writt the following Letter to them.

WILLIAMSBURGH July 18th 1710.

"Gentlemen

"Having received a Commission from Her Majesty's Lieutenant Gov-"ernor to Act in conjunction with you for settling the Boundarys be-"tween this Her Majestys Colony of Carolina we were in hopes that "according to what you were pleased to writt to Mr President Jenings, "you would have signifyed to us when you could conveniently have met "us, for adjusting the proper methods of carrying on this work, but hav-"ing heard nothing from you since Yr Answer to the Presidents Letter, "We think ourselves obliged very earnestly to desire you will let us "know your last resolution, whether wee may expect to meet you at Wil-"liamsburgh any time this month; or if you do not think fitt to meett "us there, we desire you to appoint some other place where we may meet "you this month because the season of the year will not admitt of any "longer delay. We are

Gent

Your most humble servants

PHIL: LUDWELL
NATT: HARRISON

Superscribe
"To Edwd Moseley & Jno Lawson Esqrs
"Commrs appointed by the Lords
"Proprietors of Carolina, for settling
"the Limits thereof or either of them
in North Carolina.

We communicated this letter to the Governor, who was pleased to desire we would press the Commissioners of Carolina to give the most expeditous dispatch that could be to this affair, whereupon we writt the following postscript to this letter.

"July the 19th 1710. Coll: Spotswood our Governor being very press-"ing to have this affair expedited as much as possible, we are obliged "once more to desire you will please to appoint us the shortest day of "meeting that can be, and that you will give this messenger the quick-"est dispatch with yor Answer, which will very much oblige

Gent

Yr most humble servants

P L
N H

On the 1st of August I (Nath: Harrison) received the following letter from Mr Moseley by the same Messenger that carryed our letter to him.

NORTH CAROLINA July 25th 1710.

"GENT

"This day I received yours of the 18th instant relating to the Boun-"darys between this Governmt and Virginia, I think myself obliged to "acquaint you that I have taken all the necessary measnres I possibly "could to bring it to some issue, for immediately after my receipt of Mr "President Jening's Letter (which came from Mr Lawson) I dispatched "a Letter to Neus desiring Mr Lawson to inform me when he could "be at Leasure from his concerns with the Palatines lately arrived, that "we might attend this business; Since which on the nineteenth of the "last month I pressed him to a speedy Determination, but to this "time have received no answer which I ascribe to the great Distance he "is from me, at least an hundred miles, and three Large and difficult "Ferrys in the way. However I have adventured to appoint the one "and twentieth of August next for our meeting you at Williamsburgh "agreeable to Mr President Jening's request and yours, being desirous to "shew my ready complyance to anything that may make evident my "willingness to retrieve the passed time.

"I design to-morrow to send a Messenger directly to Mr Lawson to "advertise him hereof. In the meantime

I am
Gent
Your most humble servant
EDWd MOSELEY

August 21st We went to Williamsburgh expecting to have meett the Commrs of Carolina, but they did not come. August 25th Being informed that Mr Hyde (Governor of North Carolina) was come to Williamsburgh, and expecting the Commrs were come with him I (Philip Ludwell) went thither where I understood Mr. Lawson had been there, and was gone to Captain Jones' with design to return home speedily there being no news of Mr Moseley. I immediately waited on the Governor to receive the Direc̄ons how to proceed who was pleased to direct me to dispatch a Messenger early next morning to Mr Mosely to desire his Company as soon as possible at Wmsburgh and in the mean time he was pleased to engage Mr Lawson to stay for the return of the Messenger. August 26th Early in the morning I sent away the following letter to Mr Nathaniel Harrison to be by him sent to Mr Moseley.

Virginia August 25th 1710. Conformable to your appointment in your letter of the 25th of July. We mett at Wmsburgh on the 21st instant where

we flattered ourselves we should have had the honour of your Company but being disappointed of it that day without hearing from you and also being informed that several Carolina gentlemen designed to wait on Mr Hyde that very day at Norfolk We concluded we should see you at Williamsburgh in two or three days Our Conjecture proved not altogether wrong for Mr Lawson arrived on Wednesday or Thursday (having been hindered a day or two in his passage) but not finding you here resolved to return home speedily Our Governor Coll. Spotswood being desirous to bring this affair to as speedy a Conclusion as may be (and being apprehensive that if we fail of a meeting while Mr Lawson is here it will be in vain to expect any further proceedings in Concert with you this year) commands us to desire yr Company at Wmsburgh as soon as possible because Mr Lawson's affairs are very urgent and his Honr has undertaken to engage Mr Lawson to stay three or four days longer

We send this by an Express & hope to have the Honour of your Company at Williamsburgh by Wednesday next where we shall be always ready to do everything that can be expected for expediting this good Work and in the meantime, We are Sr

Your most humble servants

PHILIP LUDWELL
NATH: HARRISON

To Edward Moseley Esqre one of the Commissioners appointed for setting the bounds betwixt Virginia & Carolina, at his house in North Carolina

As soon as this Letter was dispatched I sent a letter to Mr Lawson Inviting him to my house & to inform him that We had sent to Mr Moseley and expected he would come in four or five days, In answer to which he writt that he had already promised the Governor to stay for the return of the Messenger.

Augt 30. We mett the Carolina Commissioners in the Conference room in the Capitol. As soon as our Commissions on both sides were read Mr Moseley objected that we could not treat of this affair because there was a variance in our Commissions. For their Coms impowered them only to Act in Conjunction with us and by the preamble of our Commrs it seemed that the Queen designed no more & yet our Commission impowered us to Act separately. This he insisted on very much questioning the Governors power to give such a Commission. We argued that it could be no objection that a Commission had too full a power given him to treat

That our Commission appointed us to Act in in Conjunction if they would, & to that end we were mett and if our Commission did go further to impower us to act seperately in case of disagreement that could be no objection till we had treated & tryed whether we could agree or not besides We thought that what we were appointed to do in case of Disagreement could not properly be called acting seperately since it was nothing but what was necessary for giving Her Majesty a full information of the Case whereby she might be enabled to make a Determination of it & as to the Governors power since he had given it under his hand that it was in pursuance of Her Majestys commands we should not doubt his power nor our own if she did not agree. At last Mr Lawson being satisfied Mr Moseley was forced to quitt the argument and then we proceeded as the Minuts taken by Mr Robertson will shew, but we must remark that Mr Moseley started all the captious Arguments and Exceptions that could be.

This Conference ended without coming to any other agreement than that we would proceed to take more Affidavits on both sides & then make a Tryal of the Latitude at both the contested places. In order to which Mr Moseley agreed to come to Green Spring the next day, from whence we were to sett out to take the Virginia Affidavits first, but I (Nathaniel Harrison) being taken very ill of an Ague that night, I (Philip Ludwell) went to the Governor's next day to meet Mr Moseley & endeavour to put off our Survey for two days, but I found Mr Moseley very urgent to delay it much longer, for he said his horse was gravelled, & he had such urgent business that he must go home at last (the Governor pressing him very much) he came to this resolution that on Tuesday the 19th he would come to the house of Mr Nath: Harrison to proceed in taking our evidences in Virginia, and from thence we should go with him to Carolina to take their evidences, which we hoped might be done by the 28th, against which time he was to give Mr Lawson (whom he expected to see that night) notice to meet us with his Instruments to go & try the Latitude.

September 21st Having waited in vain these two days for Mr Moseleys coming We proceeded to Coll. Harrison's, where we mett with Thomas Cotton & took his Affidavit From thence we went to Henry Brigg's, where we mett Richd Washington & took his Affidavit from whence we proceeded in our way to Nottoway.

The 22nd We went to the Nottoway Indian Town, where we had appointed Henry Wych to meet Us to give his Deposition, but he did not come. Here we took the Examinations of three Wyanoake Indian women that live here; having given them strict Charge to tell nothing

but the truth. But the Nottoway Indian old men being gone to gather Chinkopens We deferred the taking their Examinacons till our Return, and went to the Nansemond or Potchiak Indians Town. In our way thither we mett one Richard Bratwell who told us that he had entered for about 1000 acres of land with Mr Moseley and had it surveyed upon Maherine River, being persuaded to it by the s^d^ Moseley, who assured him it was in the Carolina Government and that Nottoway River was Wyanoake and he pretended to read a copy of the Carolina Charter which express'd that they were to begin at the North end of Carotuck Inlett, & to go to Weyanoake River or Creek being in 36½ Deg Lat; & that Mr Moseley did take the Latitude of Nottoway River's mouth, & told him & others then present that it agreed, and from thence he run a due West Course to Maharine River, and we afterwards had ye same acco^t^ from others. Bnt Mr Moseley on our asking him, denyed that he had ever tried the lattitude of Nottoway River, tho' he owned he had run a line from the mouth of it due West to Maharine River, wch he did by order of their Council.

The 23rd. We took the Examinacons of Great Peter the Nansemond Indian after his Examination he told us, that sometime before, he was sent for to Coll: Pollocks, where were Governor Hyde, Mr Lawson, Coll: Pollock & others, they examined him concerning the Wyanoake Indians and Weyanoke Creek that he gave them the same relation he has given us, and that thereupon Coll. Pollock was angry with him & said, such storys would do the Proprietors a mischief; he answered that he did not come of himself to tell any storys, but was sent for, & if he desired to hear it, he would tell him the truth, but if that would not please him he would not tell him a lye. That Mr Hyde said he was in the right, he said Coll. Pollock nrged him very much to drink, but he thought they had a design upon him & would not.

Then we proceeded to the Maherine Indian Town and took their Examinacon. At this place there was one John Beverley, who reckons himself an inhabitant of Carolina, whom we desired to take notice of the manner of our proceeding in taking the Examinations and of the questions asked them. This man had been all up Wicocon Creek & had taken up some land in the Fork of the Creek where the Weyanoake Town stood and when we made the Indians mark out upon the ground, the Creek & Swamps, & the places where the Weyanoake Indians had Corn fields he confessed the Creek Swamps & old fields were as they described them.

The 24th we set out for Mr Moseley's.

The 25th we arrived at Mr Moseleys, who seemed surprized at our coming having as he told us sent a Messenger to excuse his not meeting us at Mr Harrison's and prevent our disappointment, here we stayed this day & the next in expectation of Edward Smethwick & Francis Tomms two witnesses woh Mr Moseley sent for, but they both made excuses that they were not able to come. While we were here Mr Moseley showed us a Letter from Mr Lawson dated from Little River the sixth of September wherein he complains of the shortness of the time for taking the Latitude (tho much later than he had formerly agreed on at our meeting at Wmsburgh his pinnace not being come for him, however he promised to meet or get his Instruments at the place appointed if possible, and recommending to Mr Moseley a brass semi circle that was in that neighborhood in case his did not come—but amongst the rest he writt that he thought it would be of very ill consequence for them to submit to our appointments. This Semi Circle Mr Moseley showed us, but said he did not think fit to carry it to the place appointed to try the Latitude, it being so small that it could not be certainly determined thereby; for the Radius was but 6 inches, & was not capable of being graduated to less than 10 minutes, wherefore he would depend upon Mr Lawson bringing or sending his Instrument.

The 27th. We proposed to Mr Moseley to go to his Evidences but Smethwick living at a great distance up Morattuck River, & Mr Moseley not desiring us to go thither we went to Francis Tomm's house and took his declaracons being a Quaker, and here we must observe that Mr Moseley acted very disengenuously, for when Thom's answered some of our questions to woh Mr Moseley had made no objection, tho he answered the same things over several times we could not without quarrelling prevail with him to set down the answers in ye same terms that Tomms spoke them, but would be putting other words of a different signification into his mouth, and endeavouring to prevail with him to speak them.

The 28th. We went to James Farlows to take his affidavit but Mr Moseley having given him no notice of our coming, he was gone 12 or 15 mile from home towards Mr Moseleys home, which was directly back again, and Mr Moseley not insisting upon him as a material evidence (for he told us he did not know what he could say, but that having lived in Appomatux he supposed he could say something) We proceeded to Maherine River to meet Mr Beverley & Mr Allen the Surveyors with whom we had appointed to meet Mr Moseley and Mr Lawson the next day at Wicocon or Wyanoake Creek.

The 29th. We went to Wycocon Creek where we mett Mr Moseley but Mr Lawson sent an Excuse & and one to act in his room; They had no sort of Instrument with them. He took the Latitude at noon with Mr Beverleys Sea Quadrant, the Radius whereof was two foot 3 inches, & well graduated to two Minutes & a good plumb & fine thread. We found the Zenith distance of the sun to be 43deg: 16m the Declination of the Sun we allowed to be 6d: 33m. The Parallax we allowed to be two min: By weh observacon the Latitude appeared to be 36d: 41m. The day being very clear, this observation was taken at the window Earlis about 2 miles up the Creek, there being no firm land nearer but all sunken marsh & Pocoson. Our horses getting from us last night, we could not reach this place till a quarter after eleven, so that we had not time to fix the quadrant to stand by itself, but held it by hand rested by a stake of a fence & standing on another stake: To this Mr Moseley objected that it was lyable to error & not so nice & certain as it ought to be, wherefore we resolved to stay till next day and take another observacon. This day we examined Jno Smith Wm Bush Rich Booth & Charles Merrit.

The 30th. We took the affidavit of William Hooker, and Mr Moseley took the affidavit of Lewis Williams Then we proceeded again to take the latitude at the same place as yesterday having fixed the quadrant very firm & nicely, & used a horse hair to the plumb instead of the thread, and according to the best of our observation we found the zenith distance to be 43d: 29m The Declination we allowed to be 6d. 57m the Paralax 2m. By which observation the latitude appeared to be 36d 40m. But some flying clouds intercepting the sun for some few minutes, this observation could not be depended upon to a minute, yet Mr Beverly was positive he was within 4 or 5 minutes at ye utmost, & we verily believe it was not above 5 or 6 minutes betwixt the last fair observation, & the time we found the sun was considerably fallen: but Mr Moseley being dissatisfyed we resolved to stay another day & take a new observation for his satisfaction. This day we went down the Creek by water to the mouth of it, & took ye Courses & Distances of the meanders, & found the Creeks mouth to be 20 Poles to yc southward of the place where we took the observation. Here Chowan River is about a quarter of a mile wide and the Creek near 100 yards. It may not be improper in this place to observe a true reason for Mr Moseleys leaving behind him his Brass Instrument for trying the latitude, that what he was pleased to Give, of its being too small: For he owned he had with the same Instrument taken the latitude of his own house, & afterwards showed us a map

of that part of Carolina wch he had made from his own surveys; by wch he must certainly know what course & distance Weyanoake or Wicocon Creek was from his house, and thereby could tell within 10 minutes in what latitude the Creek lay according to that Instrument But if by bringing that Instrument he should have discovered to us that the said Creek was in the latitude of their charter, or perhaps to the Northward of it (as it appeared to be by our Quadrant) it might have been difficult for him with all the subtlety whereof he is Master, to have found a specious excuse against so plain a Demonstration, whereas by bringing no Instrument of his own he left himself at full liberty to find fault with ours.

The 1st of October was very cloudy, so that we could take no observation, and the sky threatening bad weather, we resolved to stay no longer, but to go back to the Maherine Indians to examine them again in Mr Moseley's presence, & in our way thither we took the examination of John Brown.

The 2nd The Maherine Indians not being at home we proceeded to the Nansemond Indian Town, in order to take the latitude at Nottoway Rivers mouth, & to examine those Indians; but when we came there, most of the Indians were gone abroad to get Chincopens & it being a rainy day we could take no observation.

I (Philip Ludwell) came up Chowan River almost from Wicocon Creek by water with Mr Beverley & set the Courses of the River as we came up, & guessed the distances, by wch we might be enabled to compute how near our observations at the two places agreed, & we found them to agree very near.

At the Nansemond Town the Interpreter told us that when he went down to Wicocon Creek with a Nansemond Indian called Robin Tucker who was sent by the Indians to shew us the Creek on wch the Wyanoakes formerly lived, he called at one William Williams's house, where he met with one Mr Maul (who is ye same person appointed by Mr Lawson to supply his place at our taking the Latitude) and that being sometime in the House and the Indian left without, as soon as he (the Interpreter) came out, the Indian told him, That man (meaning Mr Maul) was not good for he had been (persuading) him to deny that the Weyanoakes had lived on Wicocon Creek, & promised him two bottles of powder and a thousand shott to do it. Upon wch we examined the Indian charging him not to tell a ly of the Gentleman, & he assured us it was very true. This Mr Maul is Mr Lawson's Deputy Surveyor.

The 23rd. We went to the mouth of Nottoway River and in an old field on ye North East side of Chowan just opposite to the Lower side of

Nottoway River, called by the people of Carolina Weyonoake Creek, We cutt off the logs of a small tree, and fixed the Quadrant very nicely to the stumps of it, & the day being very clear we had a good observation. We found the zenith distance to be $^{d}45$: $^{m}6$. the Declination we allowed for that day to be $^{d}8$: $^{m}4$ the Parralax $^{m}2$ by which observation the latitude of the place appeared to be just 37 Deg: But the Gentlemen were not satisfyed yet, tho they stood continually looking on y^{e} Instrument at Mr Beverleys elbow, the pretence for their cavilling here was on this occasion Mr Beverley while he perceived the sun still rising let the Instrument stay a considerable time, and when he thought the sun at the highest, he then moved it, by which means it altered about 10 min: from what it was before, and we did not perceive the sun to rise any more afterwards. Upon which they agreed it was all uncertain, & that this could not be taken for the sun's true latitude; we endeavoured to continue there, & Mr Beverly desired Mr Moseley to try it himself: but they would allow no Instrument to be fitt for taking the Latitude except Mr Lawson's, wch they design to have some time or other, and then they expect we should meet them again. We think the observacons wery exact, but they cavill at every thing, for no other reason (as we can find) but only to delay for we understand Mr Moseley has pursuaded people to take up & has already survey'd almost all the land in dispute near the mouth of the rivers that is of any value, telling them that they need be in no doubt, that Nottoway River lay exactly in the Latitude of their Charter & that he ran a West line from thence to Maherine River and the people on this acco^{t} believe themselves very safe.

That he has himself taken up a great deal of land there, part of wch he has sold & there are yet no patents issued for any of those lands but he hopes to procure them (as we suppose) upon the arrival of a Governor or other settlement of their Government) yet fears he shall not only lose his own land but be forced to refund what the poor people have paid him if it be determined to belong to Virginia before he can obtain patents in Carolina, so that t'is not to be wondered he has fished for so many pretences to obstruct a work upon the Determination whereof his own Interest is like to suffer.

The 4th After a very hard journey we arrived at Nathl Harrison's where we found Mr Moseley's letter of excuse dated Sunday September the 17th with a Copy of Smethwicks Affidavit. The messenger that brought this letter returned to Mr Moseleys while we were there. We asked him when he arrived at Mr Harrisons? he answered on the Friday after we set out, and being asked what made him so long on his

journey as from Sunday to Friday, he answered he did not set out on his Journey till Tuesday, wch was the day we were to meet.

To the Honble Alexander Spotswood Esqre Her Majestys Lieutenant Governor of Virginia—

May it please yor Hon^{r}

Having in the preceding Journal given yor Hon^{r} a full account of our proceedings hitherto in this affair. We humbly beg leave to offer yor Hon^{r} our thoughts upon the state of the Case, which from the best observations we have made appears to us to stand thus.

On the part of Virginia

1st There are two positive Evidences of good fame to the place & name of Weyano-ake Creek.

2nd Several Evidences corroborating the Indians account of the Weyanoak Indians having bought land & lived upon the said Creek and very near it for several years, not long before the Grant of the Carolina Charter: from whence probably the Creek took its name, having no name before that we heard of.

3rd All our Evidences are unanimous as to the name of Nottoway River which with the Indians account, corroborated by English Evidences of the Weyanoaks paying an acknowledgement to the Nottoways (who lived there long before) for living on that River, makes it seem improbable the name of that River should be changed from their living a few years upon it, at least twenty five miles from the mouth, when they lived much longer upon Blackwater without altering the name of it.

4th The Evidences on the part of Virginia are all men of good Credit and agree very well in their relation.

5th The Latitude of Weyanoak or Weycocon Creek appears to agree very near with the Carolina Grant whereas Nottoway River appears to be thirty minutes to the Northward of it.

On the part of Carolina

1st They have no Evidences that speak to the name of Weyanoak or Weycocon Creek at the time of their Grant.

2nd All their Evidence runs to the name of Weyanoak River & not one calls it a Creek & indeed Nottoway River seems to be the main branch of Chowan River, & it is Navigable (if it were cleared) as high as the head of Blackwater Swamp, whereas there Charter runs expressly to Weyanoak Creek & that is called a Creek to this day.

3rd Their Witnesses are all very ignorant men & most of them men of ill fame that have run away from Virginia & some of them concerned in Interest & we plainly discover several of them did not understand what they swore in their Affidavits & we observe that all of them contradict themselves or one another.

Upon Consideration of the whole Case as the Circumstances have appeared to be in the whole Course of our Progress, we are clearly convinced that the place call'd Weycocon is the place called Weyanoak Creek in the Carolina Charter, & from the backwardness of the Carolina Commrs to meet us & to bring this business to a conclusion, together with the frivolous objections they make upon all occasions to retard our proceedings, & some other Observations we have made, which are too tedious to insert here, we cannot choose but believe that they or one of them at least is convinced of this in his own Judgt (if he would be so ingenuous as to own it) but either for private interest or some other reason to themselves best known they hope to put off the Decision for some time.

Signed. PHILIP LUDWELL.
N. HARRISON.

Vera Copia
WIL: ROBERTSON St. Com.

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 65.]

AT A COUNCILL HELD AT THE CAPITOLL THE 24th DAY OF OCTOBER 1710.

Present
The Honble the Lieutt Governr

Edwd Jenings	Henry Duke
Dudley Diggs	Jno Smith
Robt Carter	Jno Lewis
Jno Curtis Esqre	Wm Churchill
Ja: Blair Comrs	and
Phillip Ludwell	Wm Byrd Esqre

Upon reading & considering at this Board the Journal & report of Phillip Ludwell Esqre & Nathl Harrison Gents Commissioners appointed for settling the Boundarys between this her Majestys Colony & the province of Carolina. The Councill are of opinion, that for obviating any misrepresentations wch may be made in England by the Comrs on the

part of Carolina, It is necessary for her Majtys Service, to transmit to the Rt Honble the Lords Comrs for Trade & plantacons, a Copy of the sd Journall & report, & likewise represent to their Lordships the difficulties wch the Comissrs appointed for this Colony have encountered in order to bring those of Carolina, to joyne in the necessary measures for accomplishing this work. That the sd Comissrs of Carolina, are both of them persons engaged in Interest to obstruct it, for one of those Gentlemen has been for Severall years last past Surveyor General of that Province, & has acquired to himself great profit by Surveying Lands wthin the controverted bounds, and has taken up severall tracts of land in his owne name & sold the same to others for wch he stands still obliged to obtaine patents from the Governmt of Carolina. The other of them is at this time Surveyor Generall, & hath the same prospect of advantage by making future surveys within ye said Bounds—That the whole behaviour of the Carolina Comissrs hath tended visibly to no other end than to protract & Defeat the Settling this Affair; & particularly Mr Moseley has used so many Shifts & excuses to disappoint all Conference wth the Comissrs of Virga as plainly show his Aversion to proceed in a business that tends so manifestly to his disadvantage. His prevaricatting on this occasion hath been so indiscreet & unguarded, as to be discovered in the presence of her Majtys Lieutt Governr He started so many Captious objections, to the powers granted to Comissrs of Virga wth designe to render their Conferences ineffectuall, that his owne Colleague could hardly find an Excuse for him. And when the Governr had with much ado prevailed wth the said Mr Mosely, to appoint a time for meeting the Comissrs of Virga & bringing the necessary Instruments, to take the lattitude of the Bounds in Controversy (wch Instruments he owned were ready in Carolina) he not only failed to comply with his own appointment, but after the Comissrs of Virga had taken the pains to make a journey to his house, & attend him to the places proper for observing the Lattitude, he would not take the trouble of carrying his owne Instrument, but contented himself to find fault with the Quadrant produced by the other side, tho' the same be an Instrument approved by the best Mathamaticians, & of universall use. From all wch it is evident, how little hopes there are of Settling the sd Boundarys in concert with the present Comissrs of Carolina. That tho' the bound of the Carolina Charter are in express words limited to Weyanoake Creek lying in or about thirty six degrees & thirty minutes of north Latitude, Yet the sd Comissrs of Carolina have not by any of their Evidences, pretended to prove any such place as Weyanoake Creek, the whole of their Evidence reached no further than to prove Weyan-

oake river & even that is contradicted by the affidavits wch have been taken on the parts of Virginia. By these it is proved that before the date of the Carolina Charter & all along to this day the place they pretend to be Weyanoake River, was & is still called Nottoway River. But supposing the same had been called Weyanoake river, it can be nothing to their purpose, since every one knows there is a great difference between a River & Creek: besides there are in this Country diverse rivers & Creeks of the same name, Potomack River & Potomack Creek, Rappahanock River & Rappahanock Creek, & several others & yet there are many miles differences between the mouths of those Rivers, & the mouths of the Creeks of the same Name. It is also remarkable that the witnesses on the part of Carolina are all very ignorant persons, & most of them of ill fame & reputation, & on y^{t} acco^{t} were forced to fly from Virg^{a} to Carolina. Further there appear many contradictions in their Testimony, wch shall be particularly observed, when this matter shall be ripe for a final report. Whereas on the other hand, the witnesses for proving her Maj^{tys} right are persons of clear fame & eminent figure in this Country, likewise their knowledge of those parts is more ancient than any of the witnesses of Carolina, & their Evidence fully corroborated by the Concurrant testimony of the Tributary Indians. It is also Confirmed by the observations of ye Latitude lately taken in those parts; by which it is very plain that the Creek proved to be Weyanoake Creek by the Virg^{a} Evidences, & sometimes called Wayocon, Answers best to the Lattitude described in ye Carolina Charter; For this lys in thirty six degs & forty minute (wch is ten minutes to the northward of the limits prescribed in their grant) But Nottaway River wch they pretend to have been called Weyanoake River, lyes exactly in the lattitude of thirty seven deg^{s} & can by no construction be supposed to be the Boudarys described in their Charter. So y^{t} upon the whole matter, if the Comiss^{rs} of Carolina had no other views than to clear the just right of the Proprietors, such undeniable Demonstrations would be sufficient to convince them, But the said Comr^{rs} give too much Cause to suspect that they mix their own private Interests, with the Claims of their Masters, & for that reason endeavour to gain time in order to secure patents for the lands already unwarrantably taken up, & to have liscence to survey the rest & on this occasion it is observable that they proceed to survey the land in dispute, notwithstanding the assurance given by that Government to the Contrary, by their letter of the 17th of June 1707 in wch they say That no lands should be taken up w^{thin} the Contraverted Bounds, till the same were Determined. This Board do therefore humbly Conceive it Necessary for

her Majtys service that a letter be writt to the present Governr or Presidt of Carolina to assert her Majtys Right to all the lands to the Northward of the mouth of Weyanoke Creek & the line that will run in a due west course from thence to Morattuck River, as it is proved by the witnesses on the part of Virga & also to protest against the signing of patents for any lands within those Bounds, till her Majtys pleasure be known. And because the Governmt of North Carolina, who have broke thro their former engagements, may still refuse to Comply with so just a Caution. It is humbly prayed that the Rt Honbls the Lords Comissrs for Trade & Plantacons, will be pleased to take such measure, as they shall think proper, wth the Lords proprietors of Carolina, to Stop the passing of any such patents, & to vacate the same if already passed, For besides the many inconveniences wch may happen to this her Majtys Governmt of Virga, by allowing of such grants. It is highly unreasonable that her Majesty should be deprived of her just dues for the Entrys & Quit rents of those lands, & that the Governmt of Carolina or any private persons whatsoever should reap advantage by their illegal encroachments on her Majtys property—

And for preventing all occasions of complaint wch may be made on the part of the Comsors of Carolina, it is ordered that the Comissrs for this her Majtys Colony do attend them at such times as they shall appoint, for trying the Lattitude by their Instruments, & for Examining the witnesses wch they yet pretend to have. And in Case the sd Commissrs of Carolina shall still refuse to lay out the Boundarys, according to her Majtys directions, The Comrs of Virga are further required to Endeavour, that a state of the Case be drawne up & signed by both partys, according to the truth of the facts proved, in order to be layed before her Majesty for her Royall pleasure & final Determination therein.

Vera Copia

Wm ROBERTSON Cl. Com:

[B. P. R. O. N. C. B. T. 7. p. 35.]

Craven House Decembr ye 7th 1710.

Present

His Excellency William Lord Craven Palatin

His Grace the Duke of Beaufort.

The Honble Maurice Ashley

John Danson Esqre

Moved by his Grace the Duke of Beaufort that a Governour be made for North Carolina Independent of the Governour of South Carolina

Agreed that Edward Hyde Esqre be made Governour of North Carolina

[SPOTSWOOD'S LETTERS. VOL. 1. P. 44.]

GOVERNOR SPOTSWOOD TO GOVERNOR HYDE.

W'MSBURGH IN VIRG'A, December 15th, 1710.

SIR:

The Commissioners appointed on her Majesty's behalf for settling the Boundarys between this Colony and Carolina, have reported to me, that notwithstanding the publick engagements of the late President and Council of Carolina, that no lands should be taken up within the contraverted bounds till they were finally settled and adjusted. Nevertheless great Tracts of Land have been surveyed and taken up in those parts by the Inhabitants of Carolina, and laid out by the Surveyor of that Province, and that the present Surveyor General of Carolina and his deputies still continue ye same encroachm'ts on her Majesty's property, although neither of them can be ignorant how far it is aimed on her Majesty's behalf, after having been privy to the proofs and examinations taken by the Comm'rs for settling the Boundarys. Wherefore, that I may remove the unreasonable pretences of such people who may fancy themselves to have acquired a Right to those Lands by their unwarrantable Encroachments, I think it necessary to acquaint you that I do in her Majesty's name assert her Right to all the Lands lying to the Northward of the mouth of Weyanoake Creek, now called Waycocon, and to the Northward of the Line w'ch according to ye Charter of the Proprietors of Carolina ought to be run in a due west course from thence to ye South seas. And I do further protest against the signing of Patents for any land lying to the Northward of that Line and Boundary. And for as much as I have lately issued a proclamation containing the former prohibition of making Entrys within ye disputed bounds by the Surveyors or Inhabitants of this Colony, it will not I hope be thought unreasonable that I expect the like prohibition to be made on the part of the Government of Carolina untill the determination of the present disputes concerning the bounds, w'ch I shal on my part endeavor to hasten as much as possible.

Directed To the hon'ble Edw'd Hide, Esq'r,
Gov'r of North Carolina in Council.

1711.

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 77.]

PART OF A LETTER FROM COLL: HYDE DATED NORTH CAROLINA JANUARY THE 21st $17\frac{10}{11}$.

And now as to that part of yours and the letter from this Council relating to the boundarys, I shall have all the regard possible to it, and will lay it before the Council as soon as these Commissions are perfected which I hope will be to-morrow. And then by the first opportunity after you shall have the result from me, and were it only a matter wherein yourself were concerned I should ever act with the greatest respect possible, but this being a matter of so great a consequence wherein the Queen is concerned and a Charter granted from the Crown to the Lords Proprietors I dare not presume to act of myself in it, but with the approbation of the Council. I have forwarded a letter to Mr Lawson, and am sorry to hear that anything has been acted as it not approved on by you, or anything neglected as might have been done more to your satisfaction. I have great complaints how they in Virginia drive over the Meherron River great stocks of Cattle, which drive stocks of this Colony along with them, and if the owners look after them, they are upbraided with destroying those they have nothing to do with, The Meherron Indians are very insolent and very abusive to our Inhabitants, and kill Cattle and Hoggs of ours, supposing they can have protection from you, I hope you will not countenance anything of that sort, but that there may be a fair decorum kept, till the contraverted bounds be determined and that you will not proceed in drawing the Line till the Commrs of this place join, which I shall endeavour to forward with all the earnestness I can.

ANSWER TO THE FOREGOING LETTER DATED FEBy 3d 1710.

I'm sorry to hear that our Tributary Indians disturb or injure any of her Majesty's subjects, and shall take care to prevent as much as I can any ground of complaint as to the Maherines; but if those injurys are done to persons within the contraverted bounds I think they have as little reason to complain as they have Right to be there. I'm sure none of them have had any liberty from this Government to take up land in those parts and I hope the Government of Carolina have had the same

regard to their own publick engagements not to suffer any encroachments to be made by the Inhabitants of that Province which we have had the more reason to expect from them out of respect to her Majesty in whose behalfe that Land has along been claimed.

LETTER FROM COLL: HYDE DATED NORTH CAROLINA JANUARY 29th $17\frac{0}{11}$.

I take this occasion to inform you that I have considered your letter, and am willing to putt to further Entrys on the North side of Wiccouse, till the meeting of the next Council the 12th of March, by which time I expect to have the Lords Proprietors Instructions to their Commissioners laid before us, and till then can give no further answer to that, reserving withall to the present Possessors and Claimers (by virtue of Entrys & Surveys) their rights which cannot with reason be slighted, because it hath always been taken with good reason, to be within this Government, and shall give orders accordingly. I take it to be necessary also to acquaint you, that the Meherron Indians made an agreement with this Government, that they would not claim any land on the south side of Maherine River. Notwithstanding which they have interrupted the present Possessors of the Lands between Maherine River and Wiccouse Creek, requiring them to leave their plantations without delay within three miles of their town, and have been very insolent therein, which they pretend an authority from your Government for so doing, and are encroaching upon the branches of Wiccouse, which may with reason be hoped will be checked by you. I shall press our Commissioners all in my power to forward the matter, so that they and yours may act in conjunction together, and I would persuade myselfe that you would not precipitate this affair, till our Commissioners join yours, and I have ground to conjecture that Mr Lawson has been or still is under some great disorder, or I should have received an answer to mine which was forthwith sent him upon my receipt of yours.

I shall always be glad to preserve a good understanding and correspondence betwixt the two Governments, and will never be wanting on my side to effect it in all things that I can answer to my Masters.

And tho' in comparison of Virginia ours is an infant Government I promise myself from your candour that no hardships be offered us, till the controverted bounds be fully determined. I am &c

ANSWER TO THE FOREGOING LETTER.

Since my Letter of the 3^{d} instant I received by Capt: Jones yours of the 29th of January which I had an opportunity next day after the receipt to communicate to the Council, and can't forbear letting you know with how much satisfaction they received the assurances of your readiness to stop further Entrys within the contraverted bounds. and to find in the Government of Carolina a Gentleman whose word can be depended on, after the publick engagements of those formerly in the administration there have proved of no effect, and have been so little regarded that the Surveyor General who was then one of the Council, and obliged himself under his hand to suffer no further encroachments on the Lands in dispute has been the principal occasion of those that have been committed since.

It has been the chief care of those in the administration of affairs here after they understood the pretensions of the Lords Proprietors to hinder the seating of any of the Inhabitants of this Colony on the land in Controversy, to which purpose orders have been issued from time to time to restrain them; and to discourage them the more it was thought necessary to give publick notice that none who did unwarrantably seat themselves upon that Land should be admitted to claim any Right, if it should be determined to belong to her Majesty and for that reason I cannot agree to what you are pleased to intimate in your Letter of reserving to the pressent Possessors and Claimers the Rights they appere themselves to have acquired by virtue of Entrys or Surveys ought to have been made before the bounds had been ascertained, there being no reason why that Land should be taken to belong to the Proprietors untill the disputes are determined since the presumption of right till then is much stronger for the Queen, and there's as little reason that the Inhabitants of Carolina should be on a better foot than those of Virginia. I shall be very glad to have this matter brought to an issue as soon as may be, by the intervention of the Comm^{rs} that are appointed for that purpose; but if you will consider how long it has been in agitation I'm persuaded you will not think there has been any precipitation used in negotiating that in the space of ten months (for it is no less since it was first sett on foot) which might have been done in less than one; and if your Commissioners be left to their own inclinations, I'm̄ apt to believe according to what they have acted hitherto, they will find excuses to delay it as many years as they have already done months. For my part as I must plainly declare that

to proceed with such Dilatoryness is not paying a just deference to her Majesty's commands so on the other hand it cannot be for the interest either of the Queen or of the Proprietors, since whatsoever has the right must in the mean time lose the benefit of the Quit rents, and that loss together with the Distractions among the People through the uncertainty of their titles will be but slenderly compensated by the private gain of your Comm^rs in the immediate surveys tho' that seems to have been their chief aim in all these affected delayes they have used in this Affair You have yourself been witness how much I have pressed them to proceed and how little effect I have had of their promise, I have now lately had Letters from England Pressing a speedy conclusion of this matter. Wherefore I am fully resolved that if I don't speedily hear that your Comm^rs intend to proceed in good earnest I shall order our Commissioners to go on without them, and to prepare the best state of the case they can in order to be laid before her Majesty.

(Endorsed)
Rec^d 5th June
Read } 1711

[B. P. R. O. B. T. Virginia. Vol. 58.—Extracts.]

JOURNAL OF THE VA COUNCIL. 1711.

At a Council held the 6th day of February 1710.

The Governor having been pleased to communicate to this Board two Letters from Col. Hyde Governor of North Carolina dated the 21st and 29th of January complaining that the Maherine Indians disturb the Inhabitants of that Province between Maherine River and Wiccouse Creek, and have required them to leave their plantations within three miles of the said Indian town, and desiring that a check be put to their proceedings in that kind till the bounds be determined which he promises to forward by pressing their Comm^rs to act in conjunction with those appointed for this Colony; but withall desiring that this Affair may not be precipitated till their Com̄^rs can joine. Upon consideration of which this Board are of opinion that as to what concerns the Maherine Indians they have much more reason to complain than the Inhabitants of Carolina the latter having been along the Aggressors in disturbing the antient possessions of the Indians by their new Incroachments and that the Government of Carolina would have had no reason to complaine of disturbances from

those Indians if they had followed the same method as has been observed here of restraining the taking up land within the contraverted bounds, to which they cannot be said to have a Right untill the bounds be determined the presumption of Right being till then more strong in favour of her Majesty and therefore this Government are in the meantime obliged to protect the Indians in the possession of those Lands to which they are intitled, by the articles of peace against the pretensions of the Inhabitants of that Province. And as to what relates to the meeting of the Commissioners for settling the Boundarys. This Board are of opinion that a letter be writt to the Governor of Carolina signifying to him that after the many delays which the Comm^{rs} of that Province have used, it cannot be justly said to be any precipitation if the Comm^{rs} for this Colony are directed to proceed without them in case they do not speedily fix a time for proceeding jointly in this Negociation.

[B. P. R. O. B. T. Virginia. Vol. 13. O. 75.—Extract. G.]

COLONEL SPOTSWOOD TO THE BOARD OF TRADE

Virginia March the 6th 1710(–11)

My Lords,

* * * * * * * *

Notwithstanding all the instances I have made to the Government of Carolina for obtaining a speedy determinatien of the Boundarys I have not been able to bring their Commissioners to any resolutions, and it plainly appears to me that their Chief design is to delaye it. I send your Lordships the Copys of the Letters that have passed between Coll. Hyde the Governor of that Country and me; on this occasion: I must do him the justice to believe he is for his own part very well inclined to bring this affair to a speedy conclusion but he is upon so precarious a footing there, and his authority so little that he is forced to submitt his own judgement to others whose interests are like to suffer by an equitable determination of this Controversie.

* * * * *

My Lords your Lordships
Most dutifull and most obedient
Humble servant
A. SPOTSWOOD.

(Endorsed)
Rec^{d} 5th June } 1711.
Read 8th June }

[From N. C. Letter Book. S. P. G.]

DE GRAFFENREID TO BISHOP OF LONDON.

From New Bern, in North Carolina, 20th April, 1711.

My good and excellent Lord :—

The misfortune I met with in all being unexpectedly hurried away from Loudon to New Castle to meet my Swissers, in order to transport them into North Carolina after those six hundred and fifty palatines, I had sent before, which unlooked arrival of them so far north, gave me notice to pay my duty to your lordship, whom then, I was told, was neither in London nor at Fulham. I can assure your lordship no person of any rank is unacquainted with that great and good character your lordship has, and merits. So I can make no excuse on that behalf, but heartily beg pardon, and at the same time humbly request your lordship to accept of me and my people, and receive us into your Church under your lordship's patronage, and we shall esteem ourselves happy sons of a better stock; and I hope we shall always behave ourselves as becomes members of the Church of England, and dutiful children of so pious and indulgent a father as your lordship is to all under your care; in all obedience, craving your lordship's blessing to me and my countrymen here, I make bold to subscribe,

My lord, yours, etc.,
C. DE GRAFFENREID.

[B. P. R. O. N. C. B. T. 7. p. 45.]

Craven House May ye 8th 1711.

Present

The Lord Carteret for himself and the Lord Palatin
Maurice Ashley Esqre
Sir John Colleton Bar^t^
John Danson Esqre

Several poor Saxons appeared and desired land att one penny ℔ Acre yearly in North Carolina and it was agreed that they should have 100 Acres ℔ head and that a Warrant be prepared to Mr Lawson according.

[B. P. R. O. JOURNAL VA. COUNCIL.]

13. June 1711.

Philip Ludwell Esqre one of the Commissioners for settling the Boundarys between this Colony & Carolina, reported that the said Comm^rs^ had lately mett those of Carolina and had made tryall of their Instruments for taking the latitude both of Waycon's Creek and Nottoway River, that the Instrument brought by the Comm^rs^ of Carolina was an astrolabe of 5½ inches Radius and the graduations thereon so small that it was not possible to take the Latitude exactly by it, that their observations differed considerably at both places, That they had agreed to meet at Corrotuck, to try the Latitude there, In order to which Her Majesty's Comm^rs^ went accordingly to Corrotuck and waited there four days but those of Carolina did not come, That since their return home they have writ to the said Comm^re^ and desired them to appoint another time and place of Conference and expected an answer every day in order to come to a conclusion of this matter, and that they may be able to make their final report thereon to be layd before this Board.

Whereas the Governor was pleased this day to communicate to the Council the advice he has received by Letters from Coll° Hyde President of North Carolina of great commotions in that Province raised by one Coll° Thomas Cary late President there against the present established Government and that both partys have taken up arms to support their pretences, this board taking into consideration the dangerous consequence of such proceedings both in respect to the Calamity it may bring upon Her Majesty's subjects of that Province by involving them in a civil war, and more especially the bad influence it may have on this Colony by encouraging the servants and negroes and other persons of desperate fortunes to run from hence in hopes of protection from the party in arms there, Do therefore think it necessary for Her Majesty's service that the Governor imploy his good offices for mediating a reconciliation of the differences in the said Province of Carolina or at least a suspension of any acts of violence between them until their said differences can be determined by the authority of the Lords Prop^rs^ and for that purpose that the Governor will be pleased to make a choice of some discreet person to be sent to the said Province of Carolina to offer such mediation to the heads of both partys. And it is further Ordered by the Governor in Council that the commanders in chief of the several Counties bordering on Carolina take all possible care that none of the Inhabitants of this Colony engage or concern themselves in the interest of either of the said partys.

[B. P. R. O. B. T. Virginia. Vol: 13. O. 98.]

COPY LETTER TO COLL° CARY AND Mr HYDE

June 20th 1711.

Sir,

I am extremely concerned to hear that the differences in the Government of North Carolina are grown to snch a highth as to engage the inhabitants there to take up arms against one another. As I am a fellow subject of the same sovereign I cannot but be sensibly touched with the prospect of those miserys into which a great many of her majesty's subjects in your Province must be involved by pursuing such unhappy Counsels, and therefore for preventing the fatal consequences which will inevitably attend the further progress of these Commotions, I have with the advice of her Majesty's Council here, thought it necessary for her Majestys service to offer you my Mediation for accommodating the present differences. Since I am not without hopes some good expedient may be found out to establish a good Correspondence and pacification among you, untill the matter in dispute be determined by your Masters the Lords Proprietors, which I'm persuaded will be found the true interest of all partys. For this purpose I have sent the bearer Mr Clayton to dispose both Collonel Hyde and you to accept this offer I have chosen him because of his great moderation and eveness of Temper, which render him very fitt for manageing an affair of this nature, and on whose truth I can depend for a faithfull and impartial relation of what you shall charge him with

"From any correspondence I may have had lately with Mr Hyde you "have no reason to apprehend any partiality in my mediation, for I am "sure that Gentleman must do me Justice to declare that I have ever ad- "vised him to moderation, and to his endeavouring to reconcile and unite "both partys; And it is upon this Basis that I now propose my media- "tion, if this cannot be effected at this distance I shall not think it too "much trouble to come to any place on the confines of this Government "for the better accomplishing so good a work, in the meantime I must "desire you on your part (as I have Coll: Hyde) to dismiss the forces you "have raised, and to do everything that may testify you are sincerely dis- "posed to yield to whatever is just and reasonable.

N. B. The paragraph marked thus (") was only in Mr Cary's Letter.

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 98.]

THE FOLLOWING LETTER WAS NOT TO BE DELIVERED TO Mr CARY UNLESS HE REJECTED THE MEDIATION OFFERED IN THE PRECEEDING LETTER.

VIRGINIA June 21st 1711

SIR,

I shall be sorry if Mr Clayton shall find you so little disposed to a reasonable and peaceable accommodation as to be necessitated to produce this letter to you, whereby I must plainly declare to you that I do not design to stand idle and see so near me her Majesty's subjects misled into unhappy distractions, her peace and authority tumultuously trampled on, and the Tranquility of this Government endangered by your wild commotions. What are you out of your witts to dispute whether Mr Hyde be sent over to be your Governor? Surely you will not persist to give occasion to the spilling of more blood in so unjustifyable a contention! if your confidence in a superior force at this time encourages you to keep up those tumults, yet think that the evil day of account for such bad actions cannot be far off, and consider what severe penaltys are due to the author of a commotion which may fairly come under the denomination of a Rebellion. I'm informed your design is to seize Mr Hyde with all his Council, but be assured that I am so well satisfyed with the legal Authority he is vested with and have such an aweful Reverence for that family which he has the honour to be related to, that so long as I have any power at hand I shall not suffer him to ly imprisoned by a Plebeian Route; once more I offer you my mediation for peace. Think what miserys you involve your Country in, and what coals of fire you heap upon your head by refusing it. So bid you heartily farewell

Sir

your friendly fellow subject and most humble servant.

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 99.]

LETTER FROM THE PRESIDENT AND COUNCIL OF NORTH CAROLINA TO COLONEL SPOTSWOOD.

29th June 1711.

MOST HONOble SIR,

As nothing can stamp so deep an Impression of Gratitude upon the minds and hearts of us the President and Council and all loyal and honest subjects of North Carolina than your Honrs generous mediation to reconcile the most distracted Country in the Queen's Dominions So no occasion can ever pass without our acknowledgement for so noble offers of your Friendship and as we beg leave in the most publick and most respective manner to acknowledge it so we must entreat leave to repeat it for your favour in sending Mr Clayton a person so fitted with all the qualifications possible for his great wisdom, temper and zeal to negotiate so weighty an affair, and to effect it with success if he had not by experience found that there is neither honour nor faith to be depended on from either Colonel Cary or his rebellious crew.

Wee the President and Council have with great heartiness and a just sense of your goodness embrac'd your Honrs mediation and desired Mr Clayton to go with your Honrs Letter directed to Col: Cary on that Subject, which he did deliver on the 26th instant, being the day after he arrived here. Col: Cary was then under sail in a Brigantine attended with a Barque Togue in this Sound about four leagues distant from this place, what discourse Mr Clayton had with him on the subject of your Honrs letter he will particularly inform you, the result of which was that a meeting sh'd be had the next day between us and Col: Cary with his pretended Council at the place appointed by him, and all acts of hostility should cease in the mean time and his forces to remain where he then was, but upon consideration that place was found inconvenient, and Mr Clayton according to agreement with him sent off a Boat with a Letter to acquaint him that we could not meet at the place named by Colo Cary, and named two other places, at either of which he desired him to appoint a meeting the then next day, tis true the Letter could not reach him in time by reason of bad weather, but two hours before the time appointed for meeting the first day Colo Cary advanced towards us with his Vessells with a Flagg on his Main top, and came within five miles of this place, and took his station betwixt the place where he appointed the meet-

ing and our Guards. So that had we gone according to his appointment our passage back had been cut off.

Notwithstanding all which unfair Dealings Mr Clayton went a second time and delivered your Hon^rs^ second Letter, but Col^o^ Cary wholy rejected your Hon^rs^ mediation, so that Mr Clayton returned without success as he himself will more particularly inform you. Col^o^ Cary is now under sail and approaching towards us so that we hourly expect to be insulted by him, what the event may be God only knows and considering no faith can be given to his words and promises and that he declines all Offers of peace, and even the gratious Offer of your Honor's mediation. We earnestly request you will be pleased to assist us with what armed force can be spared from your Government, to be maintained and paid by this Colony and that with all dispatch that can be made they be sent to South Key where we will have a Sloop or Sloopes and Canoes to wait for them there. If you could spare us some Marines it would strike a greater Terrer in the people, but that is submitted to your Hon^rs^ great wisdom. And we shall for what we have already expressed in favour to us, make the best use of it, to speak your Hon^rs^ merit and must also find a way to lett the greatest of Queens know, what a representative she has in those parts of the world, that so remarkably maintains her Grandeus and Authority and assists her poor subjects that are under such a lawless usurpation and oppression for it is very evident that neither mercy can engage nor justice awe or controule these Rebells. We are in all Duty and Obedience

Your Hon^rs^
Most faithfull, most obedient
and most devoted servants
EDWARD HYDE
GRAFFENRIED
THO. POLLOCK
W. GLOVER
THO. BOYD

Copy Ex^d^p.
WIL. ROBERSON.

(Endorsed)
Rec^d^ 25th Sept^r^ } 1711.
Read 16th Nov^r^ }

[B. P. R. O. JOURNAL VA. COUNCIL.]

5 July 1711.

Upon reading at this Board a narrative of the proceedings of John Clayton Esqre sent by the Governor to North Carolina in pursuance of the resolutions of the Council the 13th of June for mediating a reconciliation between the partys in Arms in that Government whereby it appears that the said mediation was readily accepted by Mr Hyde President of that Province and his Council, but that tho' Coll^o^ Cary made a shew of accepting thereof and appointing a place of Treaty, he soon discovered his true design was under that pretence to get Mr Hyde and his Council in his power when they were separated from their Guards, & would never after agree to any place of conferences where Mr Hyde could rely on the safety of his person, That the said Coll^o^ Cary having rejected all proposalls of accommodation even after it had been signified to him that Mr Hyde and his Council were willing to agree to all the demands he thought fitt to communicate with some necessary explanations and by his discourse, intimating his intentions to treat Mr Hyde in the same manner Coll^o^ Park was in Antegoa, has given sufficient demonstration of his aversion to any peaceable acom̄odation And whereas the said Coll^o^ Cary is now on board a Brigantine mounted with six Guns and attended with other vessells filled with armed men, threatening to begin his hostilitys against the Established Government of the said Province of North Carolina This Board are therefore unanimously of opinion, that there remains now no other means but that of force to put a stop to this Insurrection and to prevent the fatal consequences thereof both to the said Province of Carolina and to this Her Majesty's Colony. And whereas by her Royal Instructions the Governor is impowered and directed upon the application of the Governors of any of Her Majesty's plantations and their being in distress to send them such Assistance as the condition of this Colony can spare, it is the further unanimous opinion of this Board that it is necessary for Her Majesty's service and agreeable to Her Majesty's said Instructions that a competent force be sent from this Colony to the assistance of Mr Hyde it appearing by the copy of a petition under the hands of all the deputys of the Lords Prop^rs^ that he was chosen President by their joynt suffrage, and consequently ought to be looked on as in the legal Administration of that Governmen^t^ And this Board are likewise of opinion that the project this day communicated by the Governor for assisting the said President and

Council of Carolina viz. by marching a detachment of the Militia of this Colony over land, and by obtaining a reinforcement of Marines from Her Majesty's ships of war now here to be sent in their boats to Chowan sound is the most probable way of putting an end to those Commotions, and restoring peace to her Maj: subjects of that Province, and is therefore fitt to be pursued, and if by these means it shall happen that Coll° Cary or any other of the principal Ringleaders shall be taken It is the unanimous Opinion of the Council that they be brought into this Colony and secured until Her Majesty's pleasure be known.

[From N. C. Letter Book. S. P. G.]

MR. URMSTON'S LETTER.

North Carolina July 7th 1711

Hon[d] Sir

Since my arrival here I have written divers letters to you and others which I hope were laid before the Hon'ble Society so fraught with unpleasant relations of my own and the Countrys circumstances that I am almost persuaded you scarce expected to have heard any more from me I am almost bereft of life and the little sense I had and after a years fatigue and almost a continual bad health am at last together with my family in manifest danger of perishing for want of food we have lived many a day only on a dry crust and a draught of salt water out of the sound such regard have the people for my labours so unworthy of the favor the Society have shewn them in providing Missionarys and sending books so great is their esteem for the Ministry and our endeavours which I can assure you you have on my part been very hearty for the most part but they think I am beholden to them for coming to hear me they will be at no charge or trouble and yet expect I shoud give my attendance notwithstanding in many places there are great Rivers from one two to six twelve and fifteen miles over no ferry boats neither will they be at the trouble of setting me over I am destitute of all help both as to housekeeping and the discharge of my duty to the Society as I would be that will answer the end of his Mission must not only have a good horse but a large boat and a couple of experienced Watermen not knowing when the confusion of this unhappy Country would be over or any settlement made for the church and Ministry after seven months uneasiness in a sorry house I at

last bought a plantation situated on the North side of the Sound in Chowan precinct between Mr Pollocks & that which was Mr Walkers nowe Moseleys I found a newe house and a kitchen upon it half finished t'will cost me a great deal to make it fit to live in Workmen are dear and sence I have about a dozen Acres of clear ground and the rest woods in all 300 acres had I servants and money I might live very comfortably upon it raise good corn of all sorts and cattle without any great labour or charges could once be stockt but for want thereof shall not make any advantage of my land I have bought a horse some time ago since that three cows and calves five sheep and some Fowls of all sorts but most of them unpaid for together with fourteen Bushells of Wheat for all which I must give English goods at this rate I might have had anything that either this Government or any of the neighboring Colonies afford but had I stock I need not fear wanting either Butter cheese Beef or Mutton of my own raising as good grain of all sorts Missioners as the world goes must be planters too if the have familics or starve the Salary alone will not do I am forced to work hard with Axe Hoe & spade I have not a stick to burn for any use but what I cut down with my own hands I am forced to dig a garden raise beans peas &c with the assistance of a sorry Wench my wife brought with her from England my neighbours seem to like well of my industry but are far from affording me their assistance in any thing they love to see new comers put to their shifts as they themselves have been and cannot endure to see any body live as well as themselves without having undergone the slavish part and learnt to live independent of others Men are generally of all trades and women the like within their spheres except some who are the posterity of Old planters or have been very fortunate and have great numbers of slaves who understand most handycrafts men are generally carpenters Joiners Wheelwrights Coopers Butchers Tanners Shoemakers Tallow Chandlers Waterman & what not Women Soap makers Starch makers Dyes &c he or she that cant do all these things or hath not slaves that can over and above all the common occupations of both sexes will have but a bad time on't for help is not to be had at any rate every one having business enoo' of his own this makes tradesmen turn planters and these become tradesmen no Society none with another but all seem to live by their own hands of their own produce and what they can spare goes for foreign goods. Nay many live on a slender diet to buy rum sugar and molasses with other such like necessaries which are sold at such a rate that the planter here is but a slave to raise a provision for other Colonies and dare not allow himself to par-

take of his own creatures except it be the corn of the Country in hominy Bread much or otherwise of cooking which after all is fitter for Hoggs than Christians & a little stinking Swamp Water a Bogg or els' Brackish and sometimes downright Salt Water and yet such a wretch as this shall lay out 40 50 it may £60 per annum in Rum & Sugar and yet no wonder I should fare so ill when I tell you that my necessity & long stay in England after chosen Missioner together with the charges of transporting myself & family hither exhausted the money advanced I brought nothing with me but apparel and a few goods not half eno' for my occasions here I have little or nothing and times so confused that I can not say when any provision may be made for me or any other Minister I have hitherto supplied 3 precincts vizt Chowan perquimans pasquotank, which are very remote from one another the more Southerly place I preached at is above 70 miles distant from the most northerly this has been my circuit for the year last past without any omission on my side if I ever failed of officiating on the day appointed it was for the want of a passage so long as I was on Terra firma neither the badness of the Roads Broken Bridges over dangerons places wet or cold weather in Winter nor the excessive heat even to shifting in the woods for want of air ever called me to disappoint a congregation albeit they have often failed to meet me every body would have a Church by his own door every Sunday or not at all The whole Precinct can never meet at one place but must have 5 or 6 meetings in each except they had more zeal for Churches might be so fixed as that all might meet in a few hours either by land or water except bad weather or contrary winds prevent they will not willingly come to weekly lectures in regard to pasquetank is very numerous many Quakers and too many loose disorderly professors of the Christian Religion a very factious mutinous and rebellious people most of them allied to the Quakers and at all times at their Beck ready to oppose either Church or state if required by them whence arise all these troubles for the 3 years past this consideration made me to engage myself to preach two Sundays in 4 and twice in the week day at 4 different places for which some of the more sober part proposed a voluntary subscription but not meeting with the readiness many seemed to express could not prevail with a third of the people to contribute the whole amounted to £23. 5^{s} 2^{d} whereof I received £13. 11^{s} 6^{d} the rest will never be paid some have been so plain with me as to say they expected I should have have been altogether in their precinct whereas our agreement was drawn and signed others say they dont think they ought to be at any charge since our society have sent me at their own cost and allow me what they

think is fitting this is the story of most in the Government and are very confident they shall have Missioners sent to every parish but in very deed are not worthy one; Perquimans began a Subscription there is about £9 I think given for one Sunday in 4 and once a month in the Week day I have received £2. 11. 4 no more to be expected there without I would give one half for gathering the other nor that for so small a sum in Chowan I preach'd constant only once a month at the Chapel the like on the South side and west shore of the sound till they could not agree who should set me over the river and where we should meet on the South Shore they gave me two Barrels of skins and the worst pieces of Least Beef—on the West Shore was subscribed £19. 5. 0 Rec'd £4. 13. 4 through their fault not mine our meeting has been discontinued for 4 months so that nothing is to be had more there at the Chapel the Congregation is pretty numerous they have often talked of raising something but as yet nothing done neither dare I seem pressin for fear of reproach I went by land 27 miles along the Sound side towards Virginia where there were as they told me 40 or 50 Children unbaptized I baptized 14 the Season being wet I appointed to be there again that day month but no body came I heard of a great many met to be merry at a reaping of wheat in my way I upbraided them with the neglect of a concern of so great a moment they promised to appoint a day but I have not yet heard from them albeit some weeks are past they said as their phrase was they would employ me and employ me and contribute for the future but the time past was not thought of there are about 40 or fifty families at Allegator and Seogalong about 20 miles down the sound towards the South East from where I lived many marry'd and have children who never were baptized nor ever saw a minister on their shore I have offered to go thither provided they would procure me a passage a day has been twice prefix'd But they never came for me so indifferent are they and cold in their souls health and tis to be feared live like Beasts I have heard of monstrous doings among them Pamptecough I have not yet visited by reason the roads till now were impassible I intended to have gone there this month but War being revived among us we are all in confusion there is no stirring abroad Col[l] Hide has done all that in him lay to bring the Country into good order and promote religion but is therefore hated and threatened with fire and sword and all of his party which you'l easily believe me to be of and therefore not only fare ill but am in some danger My horse happened to break pasture and run into an enemys ground and when taken up some ruffians said had their party known whom he belonged to they had certainly shot

him to such a height are our divisions brought and when they will cease I know not except her Magesty takes the Government into her own hands I have preach'd 4 times in Corritack and administered the Sacraments I had 86 Communicants & at the several times baptized 10 Infants I have administered the Lord's Supper 3 times in Pasquetank and once in Perquimans the first time I had 17 Communicants the second 5 the third 7 and the fourth 9 I have baptized in these three precincts 154 children Preached 77 times the people being acquainted with the psalmody instead thereof I commonly Catechise but never fail of so doing when there is a psalm sung people are mighty averse to God Fathers and God Mothers and therefore in anywise will not have their children baptized others think no body more fit than their parents; to tell them of the orders of the Church avails not they'l not hearken to the ordinances of man but will have express scripture for all they are to do or observe; there is not a scism or corruption broached in England but here it hath its defenders but the most numerous are those that dissent from everything that is called religion Libertines Men & Women of loose dissolute and scandalous lives and practices, it is usually said our Colonies are chiefly peopled by such as have been educated at some of the famous Colleges of Bridewell Newgate or the Mint what must our inhabitants be not suffered to live in other places for their wicked courses many of whom after their transportation from England have been banished out of all or most of the other colonies or for fear of punishment have fled hither. this is a nest of the most notorious profligates upon earth Women forsake their husbands come in here and live with other men they are sometimes followed then a price is given to the husband and madam stays with her Gallant a report is spread abroad that the husband is dead then they become Man and Wife make a figure and pass for people of worth and reputation arrive to be of the first Rank and Dignity what to do with such I know not nor how a reformation can be hoped for I have not been wanting in my endeavours I have spoiled a good horse enslaved myself hazard my life to little purpose save the discharge of my conscience and the hopes I have of gaining the approbation of the Society the people you see are generally bad yet caress'd by the Quakers my irreconcilable enemies these excite aid and assist nay and join with them in destroying the Government and opposing the Establishment of the Church their aim and design is to overthrow the Church and deface the few footsteps there are of the Christian Religion among us and establish their nonsensical tenets in the room thereof There were several Quakers that bore arms in a late attempt upon Col. Hide which was

carried on with great cunning malice and rage but the aggressors were happily repulsed and what further wickedness they are contriving time will show they rove about the country in great bodies ravage and plunder all such as are not on their side it would be too tedious to give you a succinct account of every thing that has past since the first beginning of the confusions of this unhappy Government all owing to the Quakers who 7 or 8 years ago procured one Daniel a monster Wickedness to be Deputy Governor for ever since this Government depended on Ashley River Government that office was on sale the Quakers thought they could manage him they grew saucy & he restive they soon procured another worse than he to succeed him one Cary Madam Knightly a Lady of known worth can give you an account of him she lives at Kensington neither did this answer their expectations they made a purse and sent one Porter a known Villian the son of a Quaker and he one in disguise to the proprietors accused the said Cary of Many things indeed gross eno' and with a great deal of truth sufficient to cause him to be turned out accordingly he was discharged from his Office and there being no Govr at Ashley River then Sr Nathaniel Johnson being put out by the Whigs this porter brought an order to the Council to chose as was customary in such cases one of their Brethren to be president till a Govr was appointed Mr. Glover a sober discreet and the only man of parts in the country was chosen The Quakers dislike him and by the force of arms thrust in Cary whom the proprietors had deposed into the presidentship here were two presidents one appointed by the Lords proprietors and the other set up by the roguish Quakers neither was obeyed the honest party would not obey Cary and the other Mr. Glover so that for two years and upwards here was no law no justice Assembly or Courts of Judicature so that people did and said what they list Olivers days come again Col^{l} Hide arrived but through Col^{l} Teints death had no Commission he was chosen president by all sides after Long debates he persists in Mr. Glovers opinion of not suffering the Quakers who had deputations either forged or granted by those who were not proprietors to be of the Council or have any thing to do in the administration. an Assembly was called with much difficulty We had the majority as to what has been transacted in temporals I must refer you to the President and Council their journal if you can get a sight of it which is laid before the proprietors or a Copy which I believe my Lord Rochester will have to show the Queen and council and beg your pardon and patience while I add what relates to the interest of the Church.

The Assembly was made up of a strange mixture of men of various opinions and inclinations a few Churchmen many Presbyterians Independents but most anythingarians some out of principle others out of hopes of power and authority in the Government to the end that they might Lord it over their Neighbours all conspired to act answerable to the desire of the president and Council I was at this solemn meeting a great part of the time they sat. I preach'd twice before them procured a proclamation for a general fast which was kept on Good friday which otherwise would not have been observed any more than any other day. I administered the Holy Sacrament of the Lords Supper then and did all I could both in public and private discourse to excite them to use there endeavours to establish the Church accordingly they made a very good and proper Act to that End which was to this effect that the worship of God and our most holy religion as by law Established in England should be put in practice and observed here in all particulars as far forth as is compatible with the circumstances of the people a select Vestry of 12 Men in every precinct or parish was thereby appointed all the Burgesses were made members thereof These bound in a penalty to meet in their several parishes on a certain day within 6 weeks after the publication of the Act to chose Church wardens give them power to buy a Glebe build a Church or Churches as there was occasion houses for Ministers provide a sufficient maintenance for them and to use their utmost endeavours to provide that every parish might be supplied with a Clergyman approved of allowed by the Lord Bishop of London I thought it might not be improper to be present at their Vestries at the first that met were very much disordered with drink they quarrelled and could scarce be kept from fighting broke up without doing any thing having first agreed when to meet again when the day came there only met five we pitched upon another day then came but two in another precinct The Vestry met at an Ordinary where rum was the chief of their business they were most of 'em hot headed very averse to go upon business with much ado I prevailed with them to chose two Churchwardens resolve upon building a Church which is very much wanted and tis a shame to be without one since the Quakers have three meeting houses in that and as many in the next precinct whereas we have neither Church nor Chapel in 3 of the precincts and those two we have in Chowan and Pequimans were never furnished ready to drop down that in the former precinct hath neither floor nor seats only a few loose benches upon the sand the Key being lost the door stood open ever since I came into the Country. All the Hoggs and Cattle flee thither for shade in the summer and warmth in Winter

the first dig holes and bury themselves these with the rest make it a loathsome place with their dung and nastiness which is the peoples regard to Churches hence you may expect a hopeful result from the Vestry I was speaking of while the Rum Bottle went about I entertained the Churchwardens with the Articles of Visitations which Churchwardens of England are bound to answer to I could not bring them to any thonght of raising money either for building the Churches buying a Glebe or providing for Minister that is the Great Buggbere here they are not to be at any charge nor much trouble If I would live altogether in that precinct they proposed first £60 per Annum but some more generous than the rest were for allowing £70 per annum which is in the goods they usually pay Ministers with the refuse the worst pay in the country is good enough for us This £70 would purchase here about £15 worth of English Goods as wearing apparel and the like I told them I thought a Missioner was not to sit down in one parish and suffer the next or as many as he could supply with convenience to live in ignorance mere heathens for my part I would not this they imputed to avarice which provoked me to upbraid them with their generosity the last year Well if I would continue to come among them as I had hither to done two Sundays in four and give them two Sermons in the Week day in order to which I must ride 100 miles and forced to quarter in some sorry house or other not fit to lodge a Man in for 11 or 12 days they would be kind for the future but having been ill used by them already I pressed them to give me some assurance not being willing to trust to their generosity they very liberally offered me £25 for the year or proportionable till such time as they had a Minister which I refused and am resolved if I must starve I'll not thereunto add Slavery more than indeed I am able to perform except the Roads were better I had another horse and hoped for a better accomodation both for man and horse than we usually met with they treat us with a great deal of formality and think there is no difference between a Gentleman and a labourer all fellows at Foot Ball. they have since hired a reader for £15 per annum who to them is more welcome than a Minister he is little charge and pleases as well nay many know no difference for these Readers bring us into contempt and breed fanaticism I lent him a book of homilies and enjoined him to use no other Sermons but I hear he goes on the old way which is to transcribe a sermon and then read it to the people which is as much as to say they as we of the Ministry do tho' I believe some of 'em have reason to think otherwise of me

If we are like to have a Church Government I humbly pray that the Society would send some directions to the Govr or me about these Readers for if suffered they'l of ill consequence I have seen it in one ffrench a rascal who was at first one of these and now pretends to the Ministry uses me ill prays extempore and does much mischief he tells people he was ordained by the Nice Chancellor of Oxford shews them something posted on the inside of a Book in Latin which he saith are his letters of Orders I think readers should not be allowed to read the absolution nor the Communion or second service nor yet baptize Children as they commonly do. the Governors assuming the power of granting license to Justices to marry is of ill consequence for by virtue thereof are many adulterous Weddings Christians unequally yoked with Quakers or Heathens I have shewed Col^{l} Hide what the Canons require in that behalf but Governors and men in power will not easily be informed of an insignificant worthless priest. notice ought to be likewise taken of an abuse offered to my character Our blessed Vestrymen who are to establish the Church in Order thereto at the first strike at one of the fundamentals of our constitution in understanding the Act of Vestry otherwise than it was intended in a former Act which the Society did not allow of as you may remember it was said expressly that the Minister should always be deemed a Vestryman which is highly necessary here where they are so great strangers to the business of a Vestry being to amend that act by abolishing that power of meeting annually to hire their Minister for the year ensuing they have omitted that for the Minister being a Vestryman whereupon many will have it that the Minister hath nothing to do in Vestry which is contrary to our Establishment in England and will of course destroy this Act too if so understood this is the contrivance of an Enemy and not of a Vestryman who ought to be Exemplar and pious Christians in the Parishes but there are many of them Presbyterians or Independants unfit for such an office but being burgesses when the Act passed thurst themselves into the number of Vestry with no good intent this you'l say is rather History than a Letter I beg pardon for my prolixity hoping the subject will palliate the irksomeness thereof but perhaps not please I wish in my next I may have cause to change my matter and not as hitherto be obliged to acquaint you with things more disagreeable than in my former letters but we are agrieved the Church presented in danger I myself your creature a sufferer my sole dependence is on the Honble Society all good christians here beg for protection & assistance from you the Eyes of all are upon you hoping for some redress from your great and hon^{ble} body nothing doubting but that they who are at so

great a charge and trouble in propagating the Gospel among them will cherish and maintain the same here so propagated you have here a true but brief account of the difficulties I struggle with the most ins'portable I hope will procure compassion and speedy relief hard labour and famine can't be borne then see what will make me and think it absolutely necessary a couple of good Negro's with some stock to begin with and Money to buy provisions with till I can raise it within myself this with the £45 the price of my plantation will exceed £80 Per annum Mr Gordon in his request for £100 was not so unreasonable as many thought it to be for the Society will not consider my charge I pray they may be pleased to advance me £40 over and above what will then be due upon the departure of the next Virginia Fleet, which I suppose will not be before spring I have received nothing from the Society since I arrived here fleets are so uncertain I did hope to be hon^d^ ere now with a line or two from you

I am Sir your humble Servt

JOHN URMSTON

I wish the Society would write to the Govr & Council about the Library which Dr Bray sent to Bath in Pamplicough thro mistake and being informed that there was the Seat of Government whereas it is the most obscure inconsiderable place in the country I hear Col^l^ Codrington has been a great benefactor to the Society if true it will be an easy matter to order me two Negro's from Barbadoes born there and speak English used to house work and can handle an axe they may be sent by way of Bermudas opportunities are frequent—N B The Vestry of Chowan never met at all, all things are like to remain till the confusions are over which will not be till Col^l^ Hide has his commission if then

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[P. R. O. B. T. PROPRIETIES. VOL. 30. P. 313.]

July 12th 1711.

To the Queen's most Excell^t^ Majesty.

May it Please Your Majesty

In obedience to Your Majesty's Order in Council of the 14th of the last month, We have considered the Memorial of the Lords Prop^rs^ of Carolina, setting forth that they have always given Instructions to their Govr of the said Province to appoint a Deputy for the better and more regular Government of that part of Carolina that lyes North & West of

Cape ffear, by reason of the Great Extent of that Country, and the Necessity of Corresponding and Trafficking with the several nations of the Indians, & therefore pray your Majesty's Royal Approbation of Edward Hyde Esqre to be Govr of North Carolina aforesaid. Whereupon we humbly take leave to represent to Your Majesty that We have no objection why Your Majesty may not be graciously pleas'd to approve of the said Edw'ard Hyde as Governor of the North part of the said Province, under the Lords Proprietors according to their Lordships desire, provided he Qualify himself for that trust in such manner as the Law requires, & that he give Good & Sufficient Security for his due observance of the Acts of Parliament relating to Trade and Navigation, and of such Instructions touching the same as shall be given him by Your Majesty or by any person acting under Your Majesty's authority.

The Security usually given by the Governors of other Proprieties is in a Bond of 2000£ sterl: But in Regard the Trade in that part, is inconsiderable. We humbly offer that the Security to be given by the said Edwd Hyde be in a Bond of 1000£ Sterling.

Which is most humbly submitted.

PH. MEADOWS.
CHA: TURNER.
ARTH: MOORE.
FR: GWYN.

Whitehall.
July 12th 1711.

[From N. C. Letter Book. S. P. G.]

MR. URMSTON TO THE SECRETARY.

N° Carolina
July 17th 1711

Sir,

Since my last of the 7th the Rebels after a shameful defeat in their wicked attempt against the Governor and council dispersed themselves, some fled into Virginia where there will be met with, others have absconded, but so as to be ready at a call, the Governor of Virginia is expected in by Land with forces, & Captain Smith commander of Her Majesty's Ship the Enterprize Guard Ship in Virginia brings with him a sloop and Marines, so that there will be search made for the enemies,

they will I hope be apprehended & disabled from ever making head againe, except they are protected & assisted in their villainy by Danson, their old friend, they have sent divers to him to make their complaint by this fleet, & are very confident they shall turn out Col^{l} Hyde & his council & have the whole management of affairs in their own power. If the proprietors are so negligent of us surely the Society will interpose & engage the Queen to take us under her protection. otherwise there will be little hopes of establishing the Church or any good order. I have been dreadfully threatened by them, & if they prevail must not expect to stay here. Mad^{m} Hyde the Governors Lady with Mr Knight Secretary of this Government came over with the same Ships. She has a copy of all proceedings as sent to the proprietors which is to be given to my Lord Rochester who will doubtless acquaint her Majesty's privy council therewith. I told you in my last, I think that several Quakers have arms, and more are ready so to do, & if that will not do, they threaten to bring in the Indians upon us. Danson sent hither from England one Roach with some goods, & a dozen or 14 Great Guns & ammunition under pretence of building a Ship, but 'tis verily believed were designed for our Ruin many of them were mounted on Board a Brigantine which was manned by the Rebels with small arms, but upon their dispersing was since taken by our forces with 3 men only in her, & all the Great Guns & ammunition this is a considerable addition to our strength & now many who were intimidated by the audacious impudence & cruel menaces of the Rascals, now daily join the Governor: & others who were for the adversaries are disheartened from acting against us, so that at present, things have a better face, & we shall I hope be in quiet till News England except Col^{l} Hyde have a commission from the Queen, he will either be turned out or not obeyed so great is Danson's influence over the rest of the proprietors, these are with all humble respects to the Honorable Society from,

Sir yours &c

JN^{o} URMSTON

P. S.—As for the Rebels I am not much concerned, but 'tis grievious to here the complaints of the poor men & families, who have been so long in arms that they have lost their crops & will want bread, the ravage & plunder the enemies have committed has ruined others.—another instance of the Quakers Knavery I cannot omit which concerns you to Knowe as having been commissioner for the Palatines. Baron Graffenreid with his people must have starved, if not supplied by others here, He had an

order from the proprietors. i. e. Danson for the rest never concern themselves to receive £1500 here for which he was to pay 1000 sterling. a great cheat, for £1000 sterling is worth £3000 here in our pay. Danson in his Letter to his friends here bragged they should get an Estate by these Foreigners. Cary the late usurper of this government, & now head of the Rebels was to pay it out of the proprietors dues which he had received he was arrested & made his escape what reason then have they to protect him to prevent others from supplying the Baron in his great distress. Roach & the Quakers reported that the Baron had no credit in England, nor had he any money any where. through ill usage in their way hither & since their of arrival 900 palatines there are but 300 nowe alive, & those ready to starve. through the instigation of the English, who live near them the neighboring Indians are very troublesome to them in the beginning of this present Rebellion the Baron with the Swiss & palatines would have joined the Governor but were threatened with fire & sword. the Engl^d & Indians designed to destroy them & all they had such encouragement do the proprietors give people to come into their colony. I have written a very tart Letter to Sir John Colleton a proprietor concerning all matters whether pleased or displeased, it matters not the proprietors promised me all friendship & favor. but as yet never shewed any & I believe never will.

[B. P. R. O. B. T. Proprieties. Vol. 9. Q. 16.]

To the Queens most Excellent Majesty
May it please your Ma^ty

We your Ma^ts most Dutifull and Loyall subjects the Lords Proprietors of the province of Carolina in America do most humbly take Leave to Represent to your Ma^ty that by Virtue of Letters Patent to us Granted from your Royall Uncle King Charles the 2^d We have constantly Recommended a Person as Governour to be confirm'd by your Ma^ts Royall Approbation, And we have alway's given instructions to every such Governour to appoint a Deputy Governor under his hand and seal for the better and more regular Government of that part of the province of Carolina that Lies North and West of Cape Feare by reason that the great extent of that County and the necessity of Corresponding and trafficking with the severall Nations of the Indians there, does require such a Distinct Government: We humbly take leave farther to

Represent to your Majesty that the Inhabitants of that Part of the Province have Lately Apply'd themselves to us on that behalf We therefore accordingly do in most humble manner recommend Edward Hyde Esqre to be Governor of the North Part of Carolina aforesaid he being a Person of integrity and Capacity well affected to your Majesty Government every way Qualified for that Trust and having been Deputy Governor to Coll: Edward Tynte lately Deceased who by your Ma^ty^ Approbation was Govr of the whole Province We desire your Majesty's Approbation of him According to a Late Act of Parliament made in such Cases

All which is most humbly submitted

CRAVEN	M ASHLEY
BEAUFORT	J COLLETON
CARTERET	J DANSON

[B. P. R. O. B. T. VIRGINIA. VOL: 13. O. 129.]

N° 8

VIRGINIA PROCLAMATION

24th DAY OF JULY 1711

By her Maj^ties^ Lieu^t^ Governor and Commander in Chief of this Dominion

A Proclamation for seizing and apprehending Col^o^ Thos Cary and other Seditious and Fractious persons that have made their escape from North Carolina into this Colony.—

Whereas Col^o^ Thos Cary John Porter Emmanuel Low Nevil Low Capt Stone Edmund Porter Levy Truehitt Wm Barrow Thos Sparrow George Berkenhead Henry Warren Simon Aderson Junr Saml Boatwell and one Richard Roach associated with Diverse other Seditious and Factious persons in North Carolina have lately taken up arms in Opposition to the Established Government and Laws of the said Province Committed Diverse Acts of Hostility and Violence upon her Maj^ties^ Subjects there and in order to the better Carrying on their Seditious Designes have been Discovered to hold a Traitorous Correspondence with the Tuscarroro Indians whereby they have Endeavoured to Incite and stir up the said Indians (by promises of Reward) to Cutt of her Maj^ties^ Good Subjects of the said Province of North Carolina that Continue obedient to the Governmt.

And whereas Diverse of the said persons finding their Designes frustrated and justly fearing the Punishment their Crimes Deserve have fled from justice and made their Escape into this Colony and have been Endeavouring by false and erafty insinuations to Debauch severall of her Majesties Subjects here into an Approbation of their Actions and Intentions. Now to the end the peace of this her Majᵗⁱᵉˢ Colony may not be Endangered by the pernitious praetice of such Incendiarys, I have thought fitt by and with the Advice of her Majesties Council to issue this my Proclamation Strictly Chargeing and requireing all Sheriffs Constables and Headboroughs to use their utmost Diligence to Seize and Apprehend the Above named Thomas Cary John Porter Emanuel Low Nevil Low Capᵗ Stone Edmund Porter Levy Truehitt William Barrow Thoˢ Sparrow George Berkinhead Henry Warren Simon Alderson Junʳ Samˡ Boatwell and Riehard Roach and being so apprehended to Secure and Detain them in Custody untill they and every of them enter into Bond with Good Seeurity in the Sume of five Hundred pounds Sterˡᵍ for their personall Appearance before the Next Council and for their Good behaviour in the Meantime. And if any person Comeing from North Carolina Shall be found Issueing Seditious principles into her Majᵗⁱᵉˢ Subjects of this Colony or other Insinuations tending to the disturbance of the peace I do further require and Command all her Majᵗⁱᵉˢ officers Civil and Military and all other her Majᵗⁱᵉˢ Subjects to whose Knowledge the same shall come forthwith to Apprehend and Secure such Person and Persons and to carry them before the next Justice of the Peace who upon Proof made of such seditious practices is hereby required to Committ such person or persons to prison untill they and every of them give Bond with Good security for their Good behaviour in such sume as the said justice shall think fitt according as the case shall appeare to him. And if upon Examination the Crime shall appear of sueh a Nature for which the Party ought to suffer the Loss of Life or Member or be Imprisoned I do hereby require the said Justice or Justices to certify to me the Examinations taken before them and to committ the party accused to Prison untill further order. Hereby Commanding the Sherifs of the respective Countys to Cause this proclamation to be Read and Published at the Court houses Churches and Chappells in their said Countys. Given under my hand and the seale of the Colony at Wᵐˢburgh the 24ᵗʰ day of July 1711 in the Tenth year of her Majᵗⁱᵉˢ reign

A SPOTSWOOD

God save the Queen.

[B. P. R. O. JOURNAL VA. COUNCIL.]

24 July 1711.

The Governor acquainted the Council that the Project communicated at their last Meeting for assisting the Government of Carolina was not entirely put in execution because just as he was preparing to march he received by an Express the news of Coll° Carys being repuls'd in an attack he made upon the President and Council That his Brigantine was taken, and that he was retired to Pamplico. Whereupon finding it would be very inconvenient if not impracticable to march thither, he had discharged the Militia: but the President of Carolina still desiring some Assistance; he had sent a detachment of the Marines from one of the Guardships, the Commodore of the Fleet refusing to send any Marines from the men of war under his command for that service.

Whereas this Board are informed that divers persons principally concerned in abetting and fomenting the present Insurrection and Commotions in North Carolina, and that have been actually in arms with Coll° Thomas Cary in opposition to the Established Government there, are lately come into this Colony; and it being judged of dangerous consequence to the peace of this Colony to suffer such Incendiarys to go at large or give them an opportunity to infuse their seditious and factious principles into the minds of Her Majesty's subjects here, It is the opinion of the Council and accordingly Ordered that a proclamation issue for apprehending the said Coll° Thomas Cary, John Porter, Emanuel Low, Nevil Low, George Lumley, Challingswood Ward, Edmund Porter, Lovy Pruchet, Stone and Richard Roach, if found within this Colony, and to secure them until they give bond with good security in the sum of five hundred pounds sterling each for their appearance before the next Council and for their good behaviour in the mean time, the said persons being declared Rebells by proclamation in North Carolina and if any other person coming from the said Province of North Carolina shall be found endeavouring to infuse any seditious principles into the minds of Her Majesty's subjects of this Colony or other insinuations tending to the disturbance of the peace that upon proof thereof before the next Magistrate, they be bound to their good behaviour; or in case the Fact appears such as will subject the offender to loss of life or imprisonment that they be committed to prison to be further proceeded against according to law.

16. August 1711.

Mr Emanuel Low of the Province of North Carolina being apprehended pursuant to the proclamation issued the 24th of the last month, and this day brought before the Governor and Council, and humbly moving that he may not be sent back to North Carolina but permitted to stay in this Government upon his giving security for his good behaviour. It is thereupon Ordered that the said Emanuel Low be discharged out of his Custody upon his giving bond with sufficient security, That as soon as Her Majesty's pleasure shall be signified concerning the late disputes and commotions in the said Province of North Carolina he shall when required make his appearance before the Governor of this colony and shall be on good behaviour in the mean time.

[B. P. R. O. B. T. Virginia. Vol. 13. O. 94.—Extract.]

COLONEL SPOTSWOOD TO THE BOARD OF TRADE JULY 25th 1711

Virginia 25th July 1711

My Lords

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Having now given your Lordships the present state of affairs in this Colony I should not have added to your Lordships trouble if the unhappy Commotions in our neighbouring Province of North Carolina, did not oblige me to represent the same as a matter that may very sensibly affect the peace of this Colony without the application of proper remedys. One Colonel Thomas Cary being some years agoe appointed Deputy Governor of North Carolina under Sir Nathaniel Johnson, was afterwards removed by an Order of the Lords Proprietors and a President chosen to take on him the administration; but it was not long before Mr Cary being joined by certain Quakers entrusted by the Proprietors in some part of the administration gathered together a rabble of the looser sort of People, and by force of arms turned out the President and most of the Council, and by his own authority assumed the administration of the Government. In the mean time the Lords Proprietors appointed Collonel Tynte Governor of South and North Carolina, and Mr Edward Hyde to be Deputy Govr of the northern Province, who was to receive his Commission from the former. Mr Hyde arrived here last summer

but before his arrivall Coll: Tynte dyed; so that he found himself thrown into a Country without any Power or Credentials, except some private Letters from some of the Lords Proprietors, however by these he gave so good satisfaction of his being the intended Governor for that Province that every one that could pretend to have Deputations from the Lords Proprietors, and among the rest Coll: Cary joined in a Petition to him to take the administration as President of the Council until his Commission for Governor should arrive. Accordingly he was sworne, proceeded to settle Courts of Justice, which had been interrupted during the Course of the former troubles, and called an assembly. But Mr Cary and those of his Party finding their Interest decline and fearing to be called to acconnt for many unwarrantable actions and oppressions whereof they had been guilty began to find fault with their own election, protested against the meeting of the Assembly as now [not] called by lawfull authority and endeavoured to stir up the people to throw off their obedience to the established Government. Upon which the Assembly ordered Mr Cary and some of the Chief of that Party to be taken into Custody and proceeded to pass a Law obliging Mr Cary to account to the Proprietors for their dues, which he had refused to pay for the subsistance of the Palatines according to their Order, and added some other Clauses perhaps too severe to be justify'd, wherein it must be confessed they shewed more their resentment of their ill usage during Mr Cary's usurpacon (as they call it) than their prudence to reconcile the distractions of the Country, but of this your Lordships will better judge by the copys of the Laws and Address which are here inclosed. It was not long before they found their power was too weak to enforce the execution of the laws they had passed. For Mr Cary having made his escape out of custody, had again recourse to his old friends the Mobb, of which he drew together so great a number, and fortify'd his house with great Guns and other warlike Stores, that when the Government had taken a resolution to apprehend him, they found it impracticable to attempt it, Mr Cary did not long content himself to stand on the Defensive, but fitting out a Brigantine of six Guns, furnished him by a leading Quaker of that Province, with some other Vessells equipp'd in a warlike manner, he again declared himself President, and went to attack Mr Hyde and his Council at a place to which they had retired for their safety. It was then I receaved pressing applications from them for assistance from hence to enable them to defend themselves against this Insurrection. Whereupon having advised with the Council, it was thought fitt in the first place to offer my mediation for accomodating their differences believing that Mr Hyde

would be prevailed on to suspend the severity of the Laws against Mr Cary untill the Proprietors pleasure were known, and that this being once obtained Mr Cary would be contented to sit quiet and suffer the Government to go on in the way to which he himself had agreed. Accordingly I sent a gentleman very fittly qualify'd for transacting an affair of that nature to offer my Mediation to both partys, and writt to them the letter of which I here send your Lordships the copy: and because I was in some doubt whether Mr Cary would yield to a peacable accomodation I also writt another Letter (of which I have enclos'd a copy) to be deliver'd him in case he rejected the former, intending that if fair means would not prevail on him, he might at least be frighted into a Compliance by the expectation of a Superior force from hence. Mr Hyde and his Council readily embraced the offer made them, declaring themselves ready to yield to any terms that could in justice or reason be expected of them, but Mr Cary obstinately rejected all offers of accomodation. Tis true at first he made a shew of accepting the Mediation, but soon show'd that he had no other intention in it, than to seize Mr Hyde and his Council by drawing them to an interview separated from their Guards, which he treacherously attempted to execute in violation of his own promise and agreement. After his disappointment in this design, he would never agree to any place of conference where Mr Hyde could rely on the safety of his person: he was with great difficulty persuaded to declare what his demands were, and after a copy of them was obtained he positively refused to sett his hand to it and tho' he had notice given him by the Gentlemen I sent thither that every one of his demands would be agreed to with some necessary explanations even that would not content him, but warned the Mediator to retire for he was resolved to treat no otherwise than with Arms. Matters being now come to the last extremity Mr Hyde and his Council again pressed for assistance by a joint Letter of which I send your Lordships the copy: and having had the unanimous opinion of her Majesty's Council here, that there was now no other way left but that of force to put a stop to this Dangerous Insurrection, and that it was conformable to her Majesty's Instructions to assist Mr Hyde and those in the legal administration of that Government, I thereupon ordered the Militia of our Frontier Countys to draw together designing to march a Detachment of them into Carolina, and at the same time to obtain a reinforcement of Marines from her Majesty's ships of war here, to be sent in their boats to the sound of Chowan for securing the Brigantine and armed vessells with which Mr Cary had been enabled to insult the Gov-

ernment and overawe the people, But the Commodore of our homeward bound fleet, judging it the least part of his duty to do any service to this Country, positively refused to afford me any assistance either of men or boats: tho upon my first communication of that project to him he seem'd to approve it and that I also represented to him how serviceable his boats might prove in transporting the pork I had ordered to be bought up in Carolina for the Queen's service: and tis only owing to that disappointment that I have been obliged to lay aside the thoughts of getting any Pork from thence, which I wish may not be a disadvantage to her Majesty's service in another place. In the mean time I receaved advice that Mr Cary had attempted to put in execution his chief design of seizing Mr Hyde and his Council that he endeavoured to land a party of his men, while at the same time he attacked them with his Cannon from his Brigantine; but finding he was like to meet with some resistance, and the courage of his Mobb not being so great in action as in imagination, he gave over the attempt, and is since retired to a remote part of the country, whither it is impracticable to march the Militia from hence to attack him. He is there gathering a greater force and threatens to bring down the Tuscorure Indians to his assistance. I have sent what Marines could be spared from our Guard ships to the assistance of that Government, in hopes by that means to satisfy the People that they are mistaken in what their Quaker Polititians have infused into them, that this Government had no authority, nor would ever meddle in their quarrels and if this will not do, I shall still endeavour (notwithstanding the almost insuperable difficultys of marching Forces into a Country so cutt with great Rivers and without any conveniency of carriage) to put an effectuall stop to these confusions, which give so great apprehensions to her Majesty's subjects of this Colony, who reflect that the fatal rebellion raised here, which cost the Crown a great expense of treasure to quell, sprung from much less dangerous appearances; especially since Mr Cary has threatened to act another Antegoa Tragedy, to which his own desperate Circumstances and the wretched Crew he has gott together seem like enough to prompt him. It is no small concern to me to find in two or three of our frontier countys where the Quakers have got the greatest footing such a reluctancy to undertake anything against Cary and his Party, which I understand is owing to the crafty insinuations of that sort of People, who not only have been the principal Fomenters of the distractions in Carolina but make it their business to instill the like pernicious notions into the minds of her Majesty's subjects here and to justify all the mad actions of that Rabble by such arguments as are destructive to all Government.

I think it necessary on this occasion to represent to your Lorpships how ill this Country is provided for its defence either against a Forreigne Enemy or intestine commotions: The powder which her Majesty sent hither some years ago is so much wasted, that there's no dependence upon its doing execution even at half distance. I beg your Lords[ps] will be pleased to move her Majesty for a fresh supply, and that in the mean time the admiralty may give orders to the Captains of her Majesty's ships resorting hither, to exchange from time to time some of their fresh powder for some of ours which will be as proper for their use, in their Signals, Watch guns and Salutes. The Confusions in Carolina have hindered the meeting of the Comm[rs] for setling the Boundaries, but as soon as the affairs of that Country attain any tollerable settlement, I shall press them all I can to come to a conclusion, and hope by the next Conveyance I shall be able to give a good account of that affair. I am with all due respect

My Lords your Lordships
Most dutifull & most obedient humble
servant
A. SPOTSWOOD.

P. S. Kiquotan July 28th 1711.

My Lords,

Since I came hither to dispatch the Fleet, I have received advice that upon the arrival of the Marines I sent to Carolina the heads of that mutinous Rabble there are fled and dispersed, and that there is now great hopes that Country will again be restored to peace; the Assembly and Courts of Justice are beginning to resume their functions without fear of further disturbance. The Commissioners for settling the boundarys are just now mett, and I hope they will conclude that affair before they separate; so that I may be able by the next opportunity to lay their proceedings before your Lordships.

There are now further discoverys made of the ill designs of M[r] Cary and his party, there being some Affidavitts sent in hither to prove that M[r] Porter one of Cary's pretended Council was with the Tuscaruro Indians, endeavoring by promises of great rewards to engage them to cut off all the Inhabitants of that part of Carolina that adhered to M[r] Hyde. The Indians own the proposal was accepted by their young men; but that their old men who have the greater sway in their Councils being of their own nature suspicious, that there was some trick intended them, or else directed by a superior Providence, refused to be concerned in that barbarous design.

[B. P. R. O. B. T. VIRGINIA. VOL: 13. O. 97.]

[COPIES OF AN ADDRESS AND TWO ACTS OF ASSEMBLY ENCLOSED IN GOVERNOR SPOTSWOOD'S LETTER TO THE BOARD OF TRADE, DATED 25th JULY, 1711. PAGE 780 *ante.*]

To his Excellency the Palatin and Lords Proprietors of Carolina
The humble address of the Present General Assembly of North Carolina.

We being at this time by God's gratious assistance met to perfect so far as in us lyes, the recovery of this your Lordships poor Country out of a most wretched confusion. Do beg leave with all humility to lay before your Lordships the present state thereof, and the steps that have been taken towards the resetling of the Government, and restoring the necessary Course of Justice together with what opposition our endeavours have met with: And tho we are under a necessity of mentioning the troubles we have laboured under and the causes of them, yet we are very unwilling to enlarge upon that ungrateful subject which out of charity to many of our fellow subjects, who have been unhappily mislead and imposed upon, we had rather should be forever buried in oblivion: we therefore think it at this time sufficient to inform your Lordships that some restless and giddy heads among the people called Quakers persuing their wonted practice and indefatigable endeavours to oppose (we may rather say) to extirpate the Church, after they had procured several changes in the Government being perhaps encouraged by their former success did in the year 1708 joyne with Coll: Cary, Mr Porter and Mr Moseley and other malecontents and some persons of desperate fortune at Pamplico raised an Insurrection against the Government then duely established by a Commission from your Lordships and to which they themselves had submitted, and having by force and other sinister means got the records and offices into their hands, they set up an arbitrary Government which by discords amongst themselves soon fell piecemeal to the ground; till that nothing remained but confusion, disorder and oppression, these matters may it please your Lordships are notorious and need no proof, the disorders being increased to that degree, that the continual clamour amongst our selves, and the reproach we lay under in the neighbouring Colonies, as also the grievous complaints made on behalf of the Poor Palatins, put all who had any sense of duty either to God or man under a necessity of seeking some remedy for these detest-

able evils which we saw were very likely to continue another year The good method which your Lordships had taken being frustrated by the death of Colonel Tynte, and the Hono^ble^ Edward Hyde Esqre being arrived here, and it appearing by Letters from Coll° Tynt and other testimonys that he was appointed by your Lordships to be our Govr we could not but look upon him to be the most proper person to retrieve us out of this distress. And therefore many endeavours were made to put the Government into his hands which were opposed and frustrated by Coll° Cary, but in a little time Mr Hyde's great candour and gracefull behaviour so far prevail'd with the best, and the awefull respect to his family and interest overawed others that Coll° Cary found himself under a necessity of complying or being deserted by all those that yet adher'd to him, whereupon Mr Hyde was unanimously chosen by all who could pretend to have a Suffrage in the election, upon which a Council was called to appoint Courts of Judicature, and necessary ministers and to call an Assembly, to which Council Collonel Cary and Mr Porter were both called but without any reason refused to give their attendance, on the contrary they have used all possible and most malitious and odious endeavours, having caused the records and Seal to be detained to obstruct it and all regullar proceedings and to overturn the Government and introduce the former confusion and miserys, for which their seditious practices we were under a necessity to bring them to a Tryal (the account of which being herewith sent) your Lordships will be thereby further informed. And now the Government to the general satisfaction of all men being thus put into some order, we ernestly pray your Lordsp^s^ favourable construction of what has been done and that your Lordships would assent to these Acts we have herewith sent. And whereas in the first there is a provision for continuing the Government, we do not therein presume to give Rules to your Lorships but out of a deep sense of the miserys we have already felt to prevent the like untill your Lordships shall according to your great wisdoms appoint a better method being verrily persuaded that your Lordships have not been informed of the want of such a necessary provision, And whereas in the second Act all proceedings during these two years last past are made void, which however it may seem severe, yet we found it necessary because of the unheard of iregularities and unlawful judgments therein past, as appear by the copys which have been given out of their Courts, which could not be anywise provided for, whilst they conceal all their Journals and Records. That an inspection cannot be made: we thought it better that a few should be compelled to bring their suits over, than many be

concluded under unjust judgment and yet the severity is not so great as their declaring by proclamation all proceedings null and void, that had been done by the space of nine months before they usurped the Government without any exception, tho in those proceedings they could not challenge one Article; and having laid before your Lordships this short but true account of our present condition: we in most humble manner beseech your Lordships to take this poor Country into your consideration, without any dependance on the other part of your Lordships province, by which the influence of your Lordships good government towards us have been very much clouded. And that you would continue to us this worty Gentleman who has been so happy an Instrument of peace and Reconciliation amongst us; and that you would remove these three restless Incendiaries Col° Cary, Mr Porter, and Mr Moseley from having any share in the Government, which is all the punishment we pray may be inflicted for many crimes and misdemeanours they are justly chargeable with, we have but one thing more to lay before your Lords^ps^ which is the sale and surveys of your Lordships Lands concerning which the complaints are so numerous and grevious, and all the accounts we have yet had from either Mr Moseley or the secretarys Office so short and unsatisfactory; that no certain account can be had till a careful review be made; thus much only is certain that many surveys have been returned for Tracts of land, whereon the Surveyor has never sett his foot, we hope this matter will be reduced into some better order by Mr Lawson who as he has been a very zealous promoter of the settlement of this Country so we doubt not but he will be serviceable to your Lordships in this office, which at this time needs a skillfull and faithful manager, we pray leave further to supplicate your Lordships on behalf of several of the new Inhabitants who have imported themselves and familys at a great charge into this Government during these Troubles, upon the encouragement given of having Land by purchase, and there being no settled Government, was under a necessity of settling themselves upon any Land they found vacant, or else to have removed themselves into some other Country to their great disappointment or utter ruine, we hope your Lordships will consider their case and give order that they may have their lands granted on the same terms, that other your Lordships grants have, who had the fortune to import themselves at a happier juncture.

We lastly beg your Lordships that if any person shall malitiously make any other representacon of the state of the Country and Proceedings than we have here done, that your Lordships would be pleased to suspend your belief till we can make reply assuring your Lordships that

we have had no other end than the doing justice to all men and settling such a peace as we and our posterity may reap the benefit of: in granting us these requests we shall ever be in duty bound to acknowledge your Lordships justice and favour towards us, and we the subscriber are and shall remain,

Your Lordships

Most humble and obedient Tenants and Servants

	Wm SWAN speaker
EDWARD HYDE	FRED JONES
W. GLOVER	Wm BRAY
THO POLLOCK	ROBt WALLICE
RICHd SANDERSON	JAMES COLES
N CHEVIN	EDWARD SMITHWICK
THO BOYD	JOHN JORDAN
	THO. ROLFE
	THO. LONG
	RICHd TERRY
	THO. LEE
	RICHd STAMP
	FRAN: DELAMERE
	JOHN MUNCREF
	RICHd JASPER
	JOHN BLUNT
	Wm READ
	THO. VANDORUMLEN
	LAY. READING
	LEONARD LAFTIN
	EDWARD BOYNER

ACTS PASS'D IN NORTH CAROLINA 1711.

An Act for the better and more effectual preserving the Queen's peace, and the establishing a good and lasting foundation of Government in North Carolina.

Whereas several revolutions have heretofore happened in this Colony which were fomented and carried on by factious and seditious persons to the great loss and Damage of the Inhabitants thereof, and to the repeated breaches of her Majesty's peace and violation of the Loyalty and Obedience due from Subjects to their lawfull Sovereigns and Supe-

riors; And what most nearly has concerned us, are the late unhappy dissentions amongst ourselves in this Colony, whereby injustiee and Oppression took place, and overspread our Colony, our Trade decreased and daily differences and animosities encreased to the ruin of Religion and our Liberties Since which time it hath pleased God in a great measure, to influence us with a deep Concern of our Calamitys, and put into our hands a power and resolution of removing those threatning Evils and Dangers, and for the future to procure a happy Restauration of peace and tranquility amongst us, by making such good and wholesome Laws, whereby religion and virtue may flourish, Our duty to our Prince and Governors be putt in practice and maintained, Our Laws Libertys and Estates preserved and Kept unviolated, and justiee and Trade encouraged. Wee therefore the Commons assembled do pray that it may be enacted And be it Enacted by his Excellency the Palatin and Lords Proprietors, by and with the advice and consent of this present General Assembly and the authority thereof, and it is hereby Enacted, that any person or persons whatsoever who shall at any time (after the date hereof speak any seditious words or speeches or spread abroad false news, write or disperse scurrilous Libels against the present Governm^{t} now lawfully established: disturb or obstruct any lawfull Officer in the executing his Office, or that shall instigate others to Sedition Caball or meet together to contrive invent suggest or incite rebellions, Conspiracys Riotts or any manner of unlawfull Feuds or differences thereby to stir up against or malitiously to contrive the Ruin and Disturbance of the Queen's peace, and of the safety and tranquility of this Government, the said person or persons so offending shall and are to be reputed as utter Enemys to the Queen's peace, and the Welfare and good of this Government, and shall be punished accordingly by fine, imprisonment, pillory or otherwise at the discretion of the Justices of the General Court, who are hereby impowered to heare and determine the same, and the said person or persons so offending, shall be compelled to give good and sufficient security for his or their good behaviour during the Courts pleasure, and be incapable of bearing any office or place of Trust within this Government for the space of three years or accordingly as the Demeritt of the Crime, shall appear before the Judges thereof and if any person or persons shall at any time hereafter, know of such evill practices as aforesaid, and shall conceal the same, that then they shall be punished in the same manner as if they themselves had committed such Crimes. And for the further prevention of traiterous Conspiracys and Rebellions against her sacred Majesty of Great Brittain her Crown

and dignity and the better to distinguish and prevent any disaffected Ministers or Officers either Military or Civil from acting or being tolerated, commissionated or impowered to Act in, possess or hold or remain to Act by virtue of any Commission deputed Commission or any power whatsoever, until the said person whosoever he be, has first qualifyed himself according to the strictness of the Laws of great Brittain now in Force And be it enacted by the authority aforesaid what person soever shall act in any place of profitt or trust as aforesaid, without being so qualifyed shall forfeit the sum of one hundred pounds to be recovered by Action of Debt, bill plaint or information in any Court of Record within this Province, one half to the Governor or President for the time being for the support of the Government and the other half to him or them that shall sue for the same, and shall forfeit his Right to the same place or benefise Provided that all Military Officers may take the oaths in order to their qualification before any one member of the Council or of the General Court, who are hereby impowered to administer the same, and give them Certificates thereof, and moreover what person or persons who hereafter shall equivocate, alter, add to or diminish any word or Clause, of the Oaths appointed to be taken by Law, shall be deemed and held guilty of forgery and high Crimes, and shall be punished accordingly; And whereas this Province is annexed to and declared to be a Member of the Crown of England, yet notwithstanding disputes do often arise concerning the Laws of England, how far they are in force in this Government: and it appearing by the Charter that the power therein granted of making Laws are limited with this expression Viz. Provided such Laws be consonant to reason, and as near as may be agreeable to the Laws and Customs of Our Kingdom of England, from whence it is manifest that the Laws of England are the Laws of this Government, so far as they are compatible with our way of living and Trade, Be it therefore enacted by the authority aforesaid, and it is hereby Enacted and declared that the common Law is and shall be in force in this Government except such part of the practice in the issuing out and return of Writts, and proceedings in the Court of Westminster which for want of several Officers, cannot be put in execution, which ought to be supplyed by Rules of the General Court of this Government, being first approved of by the Governor in Council which shall be good in Law from time to time till it shall be altered by Act of Assembly. And be it further Enacted and declared by the Authority aforesaid that all statute Laws of England made for maintaining the Queen's Royal Prerogative and the security of her royal person and succession of the Crown, and all such Laws made for the Establishment

of the Church, and the Laws made for granting Indulgencies to protestant dissenters, and all Laws providing for the priviledge of the people and security of trade, as also statute Laws made for Limitation of Actions and for preventing of vexatious Law suites, and for preventing immorality and frauds, and confirming Inheritances and Titles of Land are and shall be in force here, altho this province or the plantations in general are not therein named. • And because that it has always happened that upon vacancy of the Government seditious and evil minded persons have taken occasion to dispute the authority of the succeeding Governor or president howsoever elected or qualified for want of certain rules being laid down and approved of by the Lords Proprietors, Wee pray therefore that it may be enacted, and be it enacted by the authority aforesaid that in case of any such vacancy the eldest Lords Proprietors Deputy shall summon the rest of the Deputys with all convenient speed to meet at the usual place for the Councils meeting and there they or the major part of them that meet shall chuse a President And in case of an equality of votes the voice of the Elder Councilour shall have preference and if it shall happen that the Eldest Councillour shall refuse to summon the rest of the Deputys as aforesaid within ten days after notice of such vacancy, then the next eldest Councillour shall summon as aforesaid. And be it further enacted that in case of the vacancy of any Lords Proprietors deputy the Governor or President in time being with the consent of the major part of the deputys then being, shall chuse one to supply that vacancy till that Proprietor shall signify his pleasure to the contrary, and if any of the Lords Proprietors deputy shall at any time neglect to refuse to give their attendance being cited thereto, the act or acts of the remaining deputy shall be good and valid in the Law to all intents and purposes. And be it further enacted by the authority aforesaid that in case of extraordinary occasion, if the Governor, deputy Governor or President for the time being shall depart the Government, and shall first declare the cause of his departure in Council, his absence not exceeding six months shall not be deemed a vacancy, but the eldest Councillor shall preside in Councill during his absence

EDWARD HYDE
W. GLOVER
THO: POLLOCK
RICH[d] SANDERSON
N. CHEVIN
THO. BOYD.

W[m] SWAN speaker.

ACTS PASSED IN NORTH CAROLINA 1711.

An Act entitled an Act for redressing several grievances, abuses and illegal proceedings whereby the poor Inhabitants have been wronged as well in their Titles of Land, as in the payments of certain sums of money extorted from them without sufficient acquittances.

Whereas many of the poor Inhabitants of this Government have greviously complained that Coll. Thomas Cary pretending a power to dispose of the Lords proprietors Lands and to receive the moneys for the consideration of the same, have upon that pretext received and taken securities for several sums of money of the Inhabitants of this Government as the consideration of several Tracts of land by them purchased according to the Instructions, Rules and Ordinances made by authority from the Lords Proprietors upon Record in this Government, and for several fees and charges thereon accruing; Yet many of them the said Inhabitants have not their Titles to their respective Tracts of Land made and executed according to the true intent and meaning of the said Instructions: And whereas his Excellency the Lord Palatin and Lords Proprietors have by their Instructions appropriated the money ariseing and becoming due to them for the relief of the poor Palatines lately transported into this Government by the Hono^{ble} Chrit^{o} Baron de Graffenreid, Wee therefore the Commons assembled do pray that it be enacted and be it enacted by his Excellency the Palatin and Lords proprietors by and with the advice and consent of this present General Assembly and the authority thereof And it is hereby enacted that the said Coll: Thomas Cary shall within two months next after the publication hereof appear before the President and Council or Commissioners by them thereunto appointed, and deliver up all such bills, obligations or other securitys by him taken as aforesaid And make payment of all such sum or sums of money which he hath received on behalf of the Lords Proprietors as aforesaid, that so the people may be saved harmless from any further claim to be made for the same And the Titles of their land may be secured, and that the said poor palatins may be supplyd therewith according to the said Instructions. And be it enacted by the authority aforesaid that in case the said Coll: Thomas Cary shall refuse or neglect to appear and deliver up the said Bills or other securitys and make payment as aforesaid, That then and in such cases the same shall be levy'd upon his good and chattells, Lands and Tenements, Rights and Credits

by distress and sale, by warrant from the Hono^{ble} the President directed to the provost Marshal of the several Counties or their deputys. And it is further enacted by the authority aforesaid that no alienation assignment, bargain, or sale, made after the publication of this Act shall be of any effect or pleadable against the execution of this Act, and for the better discovery of what sum or sums of money are in the hands of the said Thomas Cary (the Land Office with all books, records and papers thereunto belonging being feloniously detained or otherwise imbeziled by Mr Em^{ll} Low) so that a true account thereof cannot be had. Be it further enacted by the authority aforesaid that all persons holding or claiming any Tracts of Land by purchase shall within two months after publication hereof give just account upon Oath what Land they hold or lay claim to, to the persons hereafter named that is to say in the precinct of Chowan to the Hono^{ble} Coll: Thomas Pollock in the precinct of Pequimons to the Hono^{ble} Wm Glover in the precinct of Pasquotank to the Hono^{ble} Nathaniel Chevin in the precinct of Curratuck to the Hono^{ble} Richd Sanderson Esqre in the precinct of Pamplico to Mr Joel Martin in the precinct of Wickham to Mr John Jordan in the precinct of Archdale to Capt: Lyonell Reading and Capt: William Brice upon penalty of being deprived of all benefit of this Act and forfeiting to the true and absolute Lords proprietors of this province the summ of ten pounds to be recovered by action of debt in the General Court wherein no Essoign protection or wager of Law shall be allowed And whereas grievous complaint have been made that Mr Edward Moseley hath taken upon him to set out and survey the Lords proprietors Lands without due Entry made or lawfull authority for the same, and therein have not proceeded according to the Rules and Instructions in that case provided, so that many illegal imperfect and irregular Surveys have been made and several sums of money have been unlawfully extorted, from several of the Inhabitants upon pretence of Fees and assigument of rights to the great wrong of the Lords proprietors and loss and damage of the people for remedy whereof Be it enacted by the authority aforesaid that the said Edward Moseley shall within forty days after publication of this Act give Bond with good security in the sum of five hundred pounds to the Hono^{ble} Edward Hyde Esqre who is hereby appointed Trustee on behalf of the people with condition that the said Edward Moseley shall pay back and refund unto the respective persons all such sum or sums of mony and deliver up all such Bills or specialtys as he hath received for security upon pretence of fees, or composition for assignment of Rights

where it shall appear that his survey or returne hath been imperfect, irregular, deficient or not warrantable by the rules in that case provided, or where rights had been assigned to him without due authority for the same which shall be adjudged of by the Governor or president and council, which money so received back on account of fees shall go to the surveyor General for the time being who shall hereby be obliged to make due and regular returns of the same, and all such mony so recovered as aforesaid upon the account of composition for rights shall go to the Governor deputy Governor or President for the time being And be it further enacted by the authority aforesaid that in case the said Edward Moseley shall neglect or refuse to appear to give security as aforesaid within the time aforesaid that then and in such case all such Bills or other specialtys by him taken as aforesaid shall be utterly null and void in the Law to all intents and purposes as if the same had never been made, and all such sum or sums of money as aforesaid by him received shall be recovered back by an action of debt at the suit of the party aggrieved in the general Court of this province wherein no essoign protection or wager of Law shall be allowed: and where any person or persons shall have the trouble of suing for mony already paid, the said persons shall have double costs and damages allowed by him the said Edward Moseley (Provided always that any irregularity deceit or unwarrantable action of the said Edward Moseley or any person by him employed, shall not in anywise prejudice the persons claiming the land, but the right and claim of every person upon due and regullar return, shall stand and be firm and good in law, as if the same had perfectly and warrantably been done and performed And whereas from and after the 24th day of July in the year 1708 the Government was unlawfully usurped, the course of Justice subverted, and an arbitrary power set up by which several sums of money have unlawfully been levyed upon the people her Majesties' subjects imprison'd and unjust judgements given and execution thereon had and obtained. Be it therefore enacted by the authority aforesaid that all suits, judgements proceedings and Levys made from and after the day aforesaid untill the two and twentieth day of January last past shall and are hereby declared to be null and void: and where executions have been had out of any pretended Court or Courts, a writt of restitution shall issue out at the suit of the party aggrieved which shall be signed by the Clerk of the Court wherein such judgement was obtained, whereof the pretended Court shall be evidence, Provided that restitution for any sum levyed upon pretence of publick charge, shall be made as hereafter shall be appointed by Act of Assembly,

Provided also that this Act shall not barr any person that hath made suit within the time before mentioned but that his right of Action shall remain to him, as if such suit had not before been made, Provided also that this Act nor any part thereof shall extend to Marriages probats of Wills, Letters of Administration, Conveyances and sales of Land amongst ourselves, proving of Rights, Contracts and Bargains.

EDWARD HYDE
W. GLOVER
THO. POLLOCK
RICH. SANDERSON
N. CHEVIN
THO. BOYD

Wm SWAN speaker.

[FROM SPOTSWOOD LETTERS. VOL. 1. P. 100.]

VIRGINIA, July 28th 1711.

To the Lords Proprietors of Carolina:

My Lords:

Your Lord'ps will no-doubt receive from divers hands an account of the distractions in your province of North Carolina, and therefore I shall not enter into the detail of that Affair any further than what concerns the part I have had in Endeavouring to obtain a passification of their Troubles and to restore to that Country that Union amongst its inhabitants which is so necessary for the public good.

After I had received from Mr. Hyde and his Council repeated advices of the preparations Mr. Cary was making to attack them with an armed Force, and the powerful interest he had made by the means and Artifices of the Quakers to poison the minds of all those who had any remains of a peacable disposition and to debauch them from their Obedience to a Government to which he himself had consented, and that your President and Council were unable to defend themselves without assistance from this Colony, I did upon mature deliberation with the Council here, judge it most expedient to offer my mediation to accommodate their differences, at least to persuade Mr. Cary to suspend all Acts of Violence untill your Lord'ps should signify your pleasure upon the Laws with which he pretended to be aggrieved. I must do justice to Mr. Hyde and the Gentlemen who act as his Council to represent to Yo^r^ Lord'ps their readiness to submit all matters in dispute to an impartial examination and to yield

to any terms that were just and honourable, but I found a quite different Spirit in Mr. Cary and his Associates, who would not so much as agree to a place of Conference where Mr. Hyde could repair with safety to his person, and at last rejected all offers of Mediation, tho' the Gent. I sent to propose it, signifyed to him by Mr. Mosely, one of his greatest Confidants, that Mr. Hyde was willing to yield to as many of his demands as he had then thought fit to communicate. The Confidence he placed in his superior Force (having then a Brigantine and Barco longo mounted with canon and filled with armed men riding in Chowan Sound, wearing his Flag at the top-mast head, within gun shott of the places where Mr. Hyde and his Council lay) made him fancy he should soon be able to reduce Mr. Hyde and the Council under his power, and he had the madness to insinuate to the Gentleman I sent to him that Mr. Hyde might expect the same fate Coll° Park had in Antegoa, but his success has not hitherto proved answerable to his expectations, having met with Repulse in the attempt that he made to Land and seize Mr. Hyde. However, those who have the direction of him will not suffer him to be discouraged by that disappointment. For Mr. Hyde informs me he is now drawing together a greater Force at Pamlico, and fortifying the house of one Roach, where is the Rendevouze of his Quaker Crew. I think it necessary to acquaint Your Lord'ps that no man has appeared more active in these Commotions than this Roach, a wretched fellow, who being sent in lately with a Cargo of goods belonging to some Merchants in London, no sooner came into the Country but he declared himself against the Government, without examining which side was in the wrong, and has been all [the while] a principal Incendiary, and had it not been for his furnishing the Mobb with trading guns out of his store, and ammunition belonging to his Imployers, these Commotions would never have got to the head they are now arrived at. I must not Omitt to inform Your Lord'ps how far the true Spirit of Quakerism has appeared on this Occasion, for besides the insinuations they have made to inflame the Mob, and their Supplying them with arms, rather than baulk their design, several of the Chief of them have accompanied Mr. Cary as his Council, and some even taken upon them military titles. Upon the repeated applications of Mr. Hyde for assistance from hence, I had the unanimous opinion of her Majesty's Council here to send an armed Force for the protection of that Government against this Insurrection, there being now no other way but Force left to restore the peace of Your Lord'ps' Country. I have sent to Mr. Hyde a party of Marines from our Guardships, in hopes that will fright the people from joining in the mad designs of

Cary and his party, when they see their Governor will be supported from hence. The satisfaction Mr. Hyde gave me of your Lord'ps' intention for his being the Governor of that Province, tho' he had met with such disappointment in obtaining his Commission, and the evident proofs that all this Faction against him, is purely occasioned on the account of his acting for the interest of Your Lord'ps, in endeavouring to obtain justice from Mr. Cary in relation to your dues, were very great inducements to engage in this Undertaking. Your Lordships' prudence will easily suggest to you the proper measures to put an end to these Confusions and to establish a more lasting foundation of peace and Tranquility to her Majesty's Subjects under your Government, wherein I shall think myself happy if I can be serviceable, having no private passion or Affection to any person there, nor any other design than to testify the Respect with which I am,

My Lords, &c.

[From Spotswood Letters. Vol. 1. p. 105.]

GOV. SPOTSWOOD TO LORD DARTMOUTH.

Virginia, July 28th, 1711.

To My Lord Dartmouth:

My Lord:

Having given Your Lord'p the trouble of two dispatches by the New York packet boat (of which the duplicates are inclosed) I have little now to add except to enclose the Journals of Council and proclamations which contain the publick transactions of this her Majesty's Colony. Since the arrival of the Marines I sent into Carolina, the Affairs of that Country seem to take a new turn. Mr. Cary and his party are dispersed, and 'tis hoped the Courts of Justice and Assembly of the Province will again be at Liberty to resume their Functions. Upon advice that some of the Chief of Mr. Cary's Faction were come into this Colony, the Council advised the issuing a proclamation for apprehending them 'till they should give Security for their good behaviour here, for no government can be safe that has in it such dangerous Incendiarys. There are several Affidavits sent me to prove that one Porter who is one of Mr. Cary's pretended Council was with the Tuscaruro Indians promising great Rewards to incite them to cut off all the Inhabitants of that part of Carolina that

adhered to Mr. Hyde. The Indians own that the proposal was accepted by their young men, but that their old men (who bare great Sway in all their Councils) being of their own nature Suspitious of some trick or else directed by a Superior providence, refused to be concerned in that barbarous design. I must beg leave to represent to Your Lord'ps how ill provided we are here to oppose either a foreign Enemy or Intestine Commotion, the powder her Majesty sent hither some years ago is so much wasted by lying so long in this Climate that there's no dependence on its doing execution even at half distance. I pray Your Lord'ps will be pleased to move her Majesty to send a fresh Supply, and in the Meantime that the Captains of her Majesty's Ships of War resorting to this place may be directed to exchange from time to time some new powder for that here, which will be as usefull as any other for their Signals, Watch guns or Salutes. Her Majesty's Ship the Enterprize attending this Government had the good fortune to take at our Capes a French privateer of 88 men from Petitguarms [sic] which had used their Coast and done great damage to our Trade for two or three summer's past. I have sent the prisoners home by this Fleet and hope it may prove for her Majesty's Service in redeeming from the Enemy the like number of her Majesty's Subjects, which I shall always preferr to the particular Advantages to me by sending them in a Flag of Truce to their own Island.

[From Spotswood Letters. Vol. 1. p. 107.]

GOV. SPOTSWOOD TO EARL OF ROCHESTER.

Virginia, July 30th, 1711.

To the Earl of Rochester.

My Lord:

The extraordinary Scituation of affairs in my Neighbourhood gives Occasion to the doing myself the honour of this Letter wherein I shall be cautious of taking up Your Lord'p's time with any needless detail of the distractions in North Carolina, well knowing there are persons now gone over to make a full Representation thereof, and that if the particulars be judged material, they will be communicated to Your Lord'p by her Majesty's Secretary of State, and by ye Council of Trade, to whom I have writt at large upon this head, and shall only in general say, that

when I found a Mob up in arms obstructing the course of Justice, demanding the dissolution of the Assembly and the Repeal of all Laws they disliked, rejecting the Mediation of this Government, and Slighting the Concessions made by their President and Council for redressing all the Grievances they thought fitt to communicate, when they declared their intentions to act another Antigoa Tragedy, and not only threatened to call in Indians to their Alliance, but actually Endeavoured to engage the Tuscaruros in a barbarous design of cutting off all her Majesty's Subjects that were not of their party, I thought it high time to interpose with a Force from this Colony to put a more effectual stop to their madness, which I rejoice to tell Your Lord'p is now hapily accomplished, and that party dispersed without effusion of blood. Here I beg leave to offer it as my humble opinion, that since the Country of North Carolina has long been the common Sanctuary of all our Runaway Servants and of all others that fly from the due execution of the Laws in this and her Majesty's other plantations. Since they labor under such a total Absence of Religion that there is but one Clergyman in the whole Country, who has been little more than a year there, and has since baptized great numbers of persons of all ages. Since the Quakers are a numerous people there, and have been fatally trusted with a large share in the administration of that Government, and often taken up arms to maintain themselves therein; Since it has been the common practice there to resist and imprison their Governors, as that they look upon that as lawfull which has been so long tolerated, but lately since neither the great Moderation (I may justly say) prudent behaviour of Mr. Hyde, nor the respect due to his birth and Character, could avail anything on that mutinous people, I cannot see how it is possible to reduce that Anarchy into a regular form of Government, without their Governor be invested with a greater Authority than the Lords Proprietors can confer, and that he be also assisted and Supported from this Government, which I can joyfully assure your Lord'p is in perfect peace and Tranquility, under a due Obedience to the Royal Authority and a Gen'll Conformity to the established Church of England. And to this, that if the person appointed Deputy Governor of North Carolina be Commissioned by the Crown, her Majesty will have at hand one to take Care of this Government upon any sudden Vacancy; Since the interest of Great Britain and the Royal prerogative cannot but lose ground during the rule of a President who is generally either a native of the place, or too considerably interested therein. I pray Yo'r Lord'p to interpret the trouble I have here given you, as proceeding from a sincere desire to promote her Majesty's service, together

with the Welfare of her people, and to advance the interest of my Native Country and the established Church, which will always be the hearty endeavours of him who begs the honour of subscribing himself, with the profoundest Respect,

My Lord,
Your Lord'p's
Most dutifull &
Most devoted
Humble Servant.

[B. P. R. O. B. T. PROPRIETIES. VOL. 9. Q. 20.]

AT THE COURT AT WINDSOR.

the 30th of July 1711

Present

The Queens most Excellent Maty
in Council

Upon Reading this day at the Board a Report from the Lords Commissioners of Trade and Plantations upon a Memorial of the Lords Proprietors of Carolina Setting forth their having always given Instructions to their Governor of the said Province to appoint a Deputy for the better and more regular Government of that Part of Carolina that lyes North and West of Cape Feare by reason of the great Extent of that Country and the Necessity of Corresponding & Trafficking with the Several Nations of the Indians and therefore pray Her Matys Royal Approbation of Edward Hyde Esqr to be Governr of North Carolina aforesaid; And the said Lords Commrs by their said Report having no objection to the same, And taking Notice, that the Security usually Given by the Governors of Other Proprieties is in a Bond of Two Thousand Pounds Sterling; But in regard the Trade in that Part is inconsiderable, and therefore humbly offer that the Security to be given by the said Edward Hyde be only in a Bond of One Thousand Pounds Sterling; Her Majesty in Councill taking the Same into Consideration is Graciously pleased to Declare Her Allowance and Royal Approbation of the said Edward Hyde Esqr to be Governor of the said North Carolina according to the Nomination and Appointment of the said Proprietors. Provided he

Qualifies himself for that Trust in such manner as the Law Requires And that he gives one Thousand pounds security for his due observance of the Acts of Parliament relating to Trade and Navigation, and of such instruction as shall be from time to time sent him from Her Majesty or any acting under her Majesty's Authority. And the said Lords Commissⁿʳˢ of Trade and Plantations, are to take care that good and sufficient security be given by the said Edward Hyde accordingly

JOHN POVEY

(Endorsed)

Recd 25th August } 1711 Q 20
Read 23 October }

[From Spotswood Letters. Vol. 1. p. 102.]

GOV. SPOTSWOOD TO THE LORDS PROPRIETORS.

Kiquotan, July 31, 1711.

To the Proprietors of Carolina:

My Lords:

Since my writing this, the Marines are returned after having frighted the Rebellious party so as to lay down their arms and disperse, and I with joy tell Your Lord'ps that there is now some prospect of tranquility in Yo'r Government, and that I have brought this about without effusion of blood, or disorders committed. And upon my arrival at this place, I found Collo. Cary, Levy, Treuit, &c., blustering and pretending to have taken a passage in the Fleet for their going to England, in order to justify their action. Whereupon I had 'em brought before me, but plainly discovered they intended nothing less than a fair Tryal at Your Lord'ps' Board. Wherefore, seeing they would give me no security for such appearance, I have sent them home in the Reserve and Tyger, Men of War, believing the greatest Justice I can do them is to leave them to Your Lord'ps' Examination.

[B. P. R. O. Am: & W: Ind: Vol: 22. p. 2.]

LETTER FROM GOV. HYDE.

My Lord,

As no one can more heartily congratulate your Lordship in that high station her Majesty has so deservedly placed your Lordships so no one can be less desirous of giving you any trouble now you are in it But it is my lot at this time to be placed in a government where I find nothing but sedition has been industriously cultivated and rebellion too much practiced. An instance of which will be very evident in Coll: Cary who is now sent prisoner to England. I think this is but the third Rebellion he has headed since he came into Carolina beginning with him in Ashley River, where he headed 300 Mob and seized Judge Trot and twice since he came into North Carolina concluding with me. He and those people committed with him which he intended Evidences for himself were at the request of me and the Councell apprehended by the Honble Alexander Spotswood Lieutenant General Governor of Virginia and I should do very great Injustice to that hon^{ble} person if I did not own that the prospect we have of peace being settled in this Government oweing to him, as well as putting an end to this Rebellion to his measures; I [saw] no way left to support her Majesty's authority and peace here and maintain the Lords Proprietors power but by begging assistance from the Governour of Virginia who with great compassion tooke the miserable case of that Country and my circumstance (in a manner I may say) into his own protection.

I humbly supplicate your Lordships that not having had notice of Coll: Carys being apprehended and committed before the Fleet sayld for England by which it was rendered impossible for me to send evidences to make out our charge at this time against him, which I have no reason to doubt but I shall do with great clearness) that I may have sufficient time allowed me to send over my evidences and proofs: But if such a favourable consideration (in your Lordships) to the poverty of this Country should prevail with your Lordships to get a Commission sent into Virginia to examine not only evidences but to try the criminals that are in Custody here (if Coll: Cary and those committed with him shall not by your Lordship be thought fit to be try'd allso) must undoubtedly be esteemed a very great Charity—I must entreat leave to observe to your Lordship that Levy Treuvit and George Lumley are two of the most

eminent villains that could be picked out for Coll: Cary's purpose the first Coll: Cary made clarke of Pemplico Court in Bath County where it will be proved he was famous for forging of false Judgements and razing of records which most in that Court are now raz'd by him George Lumley was made the Secretarys Clarke by Coll: Cary and when he rece^{d} the Collonys seal and the Records he gave bond to restore them when required as whole as when he received them without corruption or Imbezelment when I sent my order for them he refused it and when I compelled him to deliver them, abundance of records was not only razed but whole councells cut out of the Booke the other two Edmund Porter and Challingwood Ward are as usefull for any wicked purpose as the others and were all of them in arms on board the Brigantine with Coll: Cary when he assaulted me the 30th of June last on Coll: Pollocks Plantation but was repulsed. I humbly beg your Lordships pardon that I have trespassed thus much upon your Lordships patience, I hope of your Lordships protection and Interest as my cause will appear having been most barbarously used ever since I came in by a people I never offended, but the Quakers that have ever strove to overturn the church Government in this Colony has since I came in pushed it on with unusuall force many having tooke up arms themselves. I had allmost forgot to beg of your Lordships that if John Porter senior who I hear has gone in a Runne for England should be heard of so that it comes to your Lordships knowledge, he may be tooke up for he has not only at all times been the disturber of the Peace of this Government ever since he came into it but in this last commotion has endeavoured by going in person to severall Indian towns and by promises of reward, to bring down the Indians to cut of Man, Woman and Child on the Western Shore of Chowan, that has been the only subjects to her Majesty that on all occasions has expressed their Loyalty I humbly beg leave to recommend myself and cause to your Lordships protection and interest, and if it were not too great a presumption if I might have my complaints made by your Lordships to my Lord Rochester and my Lord Guernsey I shall take it as an extraordinary Favour assuring your Lordships that no person living can be with greater regard and respect more your Lorbships then

My Lord
your Lordships
most obedient most faithfull
and most devoted humble servant
EDWARD HYDE.

North Carolina
August the 22nd 1711.

I hope Mr Tobras Knights sent over by this Fleet who was Secretary here may be admitted to give such proofs before your Lordships as he is furnished with Coll: Cary being tooke after he was on Board and so cannot be fully prepar'd as otherwise he might, and which I shall take care that he shall.

[From N. C. Letter Book. S. P. G.]

Mr DENNIS TO THE SECRETARY.

Goose Creek, 3 Sept 1711.

Sir:—

I met nothing worthy remark till I got into North Carolina, being the 26th, which is distant about a hundred and some odd miles, where I found the people all in confusion and disorder, every one getting their arms, and were in a readiness to go down to a place called Pamplico to take one Colonel Cary who was late president, and had got the Lords money in his hands, and would neither lodge it in the Assembly's hands, nor give them sufficient security for the indemnifying the people from the lords. This put me to a stand whether I had best proceed through such a disorderly country as I perceived that was, or else to go back; but, desiring God's protection and blessing, I resolved to put forward; so sending my horses and guide back, I crossed Roanoke River, and then was obliged to travel six miles on foot, there being no such thing as a horse to be had; at length I got one, and that night reached Governor Hyde's, where I found abundance of men in arms. I was received very kindly, and after the governor had perused a letter from the Honorable Governor Spotswood of Virginia (which was in my behalf), he told me he was designed to Pamplico the morrow, and that there was opportunity for my passage for South Carolina. The next day, being Monday 27th, the governor, with about eighty men, crossed the sound and went up the river Moretto [Moratoc] about twelve miles, and there landed his men, which were there increased to about one hundred and fifty, but left his guns there. We were all obliged to lie in the woods that night, and the next day got to Pamplico (otherwise called Hampton), the place where Colonel Cary lived; but he, having notice of our coming, made his escape to a house of one Colonel Daniels, which was a small way down the river. The governor did dot think fit to pursue him that day, but on the next went down with his men, at which time Colonel Cary had fortified the house with five pieces of Cannon, and had about forty men; they could not bring him to any terms that was reasonable, and finding

they were so well fortified, marched back again without any action. There was a young gentleman, a relation of Governor Hyde, killed by accident. June the 1st, the governor, with his men, marched up the country again, and I remained at Hampton waiting for my passage, the vessel being not then ready; during my stay here I lodged at one Major Gale's, a very civil gentleman, at whose house the people met each Sunday, where a young gentleman, a lawyer, was appointed to read prayers and a sermon, they having no minister. I understood they had a gentleman sent them by the honorable society, but he could not live among such an unaccountable sort of people, and was removed up in the country. Colonel Cary, finding the governor gone, infused into the people that that Assembly was not duly elected, and that Governor Hyde was not governor, having no commission sent him, and therefore he could not comply with their demand; and one Mr. Roach, a merchant, which are proprietors, backing the said Colonel Cary, with assuring the people that Colonel Hyde was not designed governor, raised the affections of the people toward Colonel Cary, and incensed them against Governor Hyde, Colonel Pollock, and other gentlemen of the governor's council; what the end will be I know not, being obliged away from this place.

My reason for insisting so long on this subject is to let you see partly the management of this country, the inconstancy and unaccountableness of this people, who are of such a factious temper, that they are ready to follow any one that will head them, let the design be what it will; and all is purely for want of sense and reason. I really think there cannot be a people in the world like them; indeed the country is good, pleasant, and fruitful, and if inhabited with honest and industrious people, would exceed all the places I have yet seen.

Sir, yours, etc.,

BENJAMIN DENNIS.

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 91.]

LORD DARTMOUTH TO THE BOARD OF TRADE.

WHITEHALL 25th September, 1711.

My Lords and Gentlemen,

Captain Teate Commander of her Majesty's ship the Reserve, now in the Downs, having acquainted me that he has brought five Persons from Virginia, by order of the Lieutenant Governor of that Colony, who setts forth in the Warrant he has signed for taking them into custody, that they had raised a rebellion against the established Government of North

Carolina, and failing in their attempts, were fled from justice; I am to desire, you will be pleased to communicate to me what accounts you have received of this matter, particularly in relation to the evidence produced against them I am

My Lords and Gentlemen
Your most humble servant
DARTMOUTH

Council of Trade

(Endorsed)
Rec[d] 26th Sept[r] } 1711
Read do: }

[B. P. R. O. B. T. Virginia. Vol. 41. p. 331.]

LORDS OF TRADE TO THE EARL OF DARTMOUTH.

September 26th 1711.

My Lord,

According to your Lordships desire we enclose to your Lordship the extract of a Letter (we received yesterday) from Colonel Spotswood Lieutenant Governor of Virginia, dated the 25th of July last, relating to an Insurrection in North Carolina, as also copys of the letters and addresses mentioned by Col[l] Spotswood, we have received no affidavits or other Proofs against any of the Persons concerned nor is there any mention in his Letter to us of any Persons being sent over hither

We are
My Lord
Your Lordships
most humble &
obedient servants
PH: MEADOWS.
CHARLES TURNER.
ART: MOORE.

Whitehall.
Sep[t] 26th 1711.

[B. P. R. O. B. T. J. 22. p. 437.]

Whitehall. September 26th 1711.

A letter from the Earl of Dartmouth of the 25th inst. relating to five persons being brought prisoners from Virginia by Capt. Teate Comman-

der of Her Maj. ship the Reserve for having raised a rebellion in North Carolina &e & desiring this Board to communicate to his Lordship what accounts they may have received of that matter particularly in relation to the evidence produeed against the said persons was read And the Secretary laid before their Lordships a letter from Col. Spotswood Lieut. Gov. of Virginia dated 25th July last paragraph 2 of which letter giving an account of the said Rebellion was also read as likewise the papers referred to therein relating to the same Whereupon a letter to the Earl of Dartmouth inclosing an extract of Col. Spotswood's letter and copies of the said papers was signed.

[B. P. R. O. Am: & W. Ind: Vol. 22. p. 1.]

May it please your Lordships,

Whereas Coll: Thomas Cary Levy Truwhit, Challingwood Ward, George Lumley and Edmond Porter are at the earnest request of us the president and Council of North Carolina apprehended in her Majesty's Collony of Virginia by order of the Honble Alexander Spotswood Esqre Lieutenant Governor thereof and by him comitted to a hearing.

Wee in most humble manner pray leave to informe your Lordship that at a Generall Assembly holden for this Collony in March last the said Coll: Thomas Cary and John Porter Esqre were impeathed of high erimes and misdemeanours and were thereupon committed to the Custody of the Provost Marshall from whom they made their escape and to protect themselves from Justice did confederate with the abovenamed Levy Truwhit, Challingwood Ward, George Lumley, Edmond Porter and with one Richard Roath and severall other desperate and evil minded persons as also with Emanuel Low, Gabriel Newby and many others of the people called Quakers and raised an insurreetion against the lawfull Authority of the Lords Proprietors of North Carolina and against the peace and soveraign Dominion of our Soveraign Lady the Queen and to carry on their rebellious purposes have endeavoured by promises of reward to draw into their conspiraey the neighbouring Indians by them to cut off all such of her majesty's subjects as should oppose their lawless proceedings, and did man and fit out with great Guns and small Arms and other warlike Stores two vessels and in them did sail in warlike manner with a flag on the main mast head to the great Terrour of the Inhabitants and severall Robberys and other Injurys did commit and in one of the said

vessels did make an assault upon us the president and Council at the house of Coll: Thomas Pollock (of the said Council) in the Precint of Chowan who there endeavoured to keep the Peace of our Soveraign Lady the Queen and maintain the authority of the his Excellency the Pallatine and Lords Proprietors from whence being by Gods assistance repelled they fled till they were apprehended as above said, wherefore we humbly crave leave in such time and manner as your Lordships shall think fit most necessary to produce our evidence against the said Coll: Thomas Cary, Levy Truwhit, Challingwood Ward Geo: Lumley and Edmund Porter who were committed and sent prisoners to England before we had this last notice of it, by which we were deprived of sending our evidence at the same time with him, for the making good our charge against the said Coll: Thomas Cary and the rest committed with him for which wee humbly hope considering the nature of their offences we may have sufficient time allowed us for the doing of it wherein we do not doubt but to make out full proofs of whatever we shall accuse them with.

We are not out of hope of your Lordships great candour in this affair by which we may fully expect to see Law and Justice once more restored to her Majesty's subjects and this poor country that for near three years last past has by those rebellions been dispossessed of all. And considering this Country is entirely impoverished by those unhappy commotions wee should look upon it an Act of the greatest compassion towards us, if a commission could be obtained to be sent into Virginia, to try the Criminals as well those sent to England as those that remain in Custody here to prevent that charge which would near complete the ruin of our Colony. Wee are in all obedience

your Lordships most Dutifull
and most obedient humble servants
EDWARD HYDE
THO: POLLOCK GRAFFENRIED
THO: BOYD
N. CHEVIN W. GLOVER.

Wee beg leave if John Porter be fled to England (as tis by all here concluded) that your Lordship would please to give orders that he may be apprehended.

[B. P. R. O. B. T. VIRGINIA. VOL. 58.—EXTRACTS.]

JOURNAL OF VA. COUNCIL.

8. October 1711.

Whereas some of the Towns of the Tuscaruro and other Indians on the Frontier of North Carolina did on the 22^{d} of last month committ a barbarous massacre on Her Majesty's subjects of that Province and still continue to make war against that Government. To the end therefore that the said Indians may be deprived of the means to prosecute their barbaritys upon Her Majesty's subjects The Governor with the advice of Her Majesty's Council doth hereby strictly prohibite and forbid all persons within this Colony to trade or traffique with the said Tuscaruro or any other Indians for any sort of Commodity untill further order Certifying such as shall act contrary hereunto that they shall be prosecuted with the utmost severity. And the sherifs of the several Countys are required forthwith to signify this order to the respective Indian Traders, and to publish the same at the Courthouse and in all Churches and Chappells in their said Countys.

Resolved and accordingly ordered

That for the better securing the Peace and tranquility of this Government and preventing the further incursion of the Indians Mr Peter Poythres be forthwith dispatched to such of the Tuscaruro Towns as refused to join with the rest of their Nation in the late massacre requiring them to send Deputys to meet the Governor at the Nottoway Town on the 17th of this month to treat of a peace with Her Majesty's subjects of this and the neighbouring Colonys and plantations: and for the better inducing them to this Treaty that the said Mr Poythres acquaint them that no Trade will be allowed them from hence till the said Peace be concluded And that he also assure them of a safe conduct for their coming in and returning and for that purpose a guard shall be sent to meet them at the Saponie town. That forasmuch as the Baron de Graffenried Chief of the Swiss and Palatine settlement in Carolina did unfortunately fall into the hands of the Indians some days before the Massacre is detained a prisoner and his life in imminent danger It is ordered that a Message be also sent to the Town where he is to demand that he and any other of the Inhabitants of Carolina prisoners among them be delivered up to this Government as Her Majesty's subjects and to threaten them that if any violence be offered to the said prisoners this Government will revenge it upon the whole Town or nation that shall be found guilty.

That since the making a shew of some part of the strength and force of this Colony may be very necessary to awe the said Tuscaruro Indians not only to continue in peace with us, but also to join with us in the destruction of those Assassins It is ordered that the whole Militia of the Countys of the Isle of Wight, Surry and Prince George be drawn together under arms at the Nottoway Town with six days provisions against the time the said Tuscaruros are expected there.

Pursuant to the above Resolutions the Messages to the Tuscaruro Indians to be sent by Mr Poythres and also the orders to the commanding Officers of the Militia were prepared and signed by the Governor in Council.

15 October 1711.

The proceedings of the last Council held at Major Nathaniel Harrison's were this day read at the Board and approved as the best means to answer the ends proposed therein for obtaining satisfaction for the late Massacre committed in Carolina. This Board taking into consideration what terms may be most proper to be insisted on at the Conference with the Tuscaruro Indians in order to obtain a just satisfaction for the murders committed by some of their Nation and other Indians in the Province of Carolina came to the following resolutions.

That the engaging the said Tuscaruros to carry on a war by themselves against the Nations concerned in the late Massacre will be most for the ease of Her Majesty's subjects of this Colony and that therefore all possible endeavours be used for that purpose by promising them such suitable rewards as the Governor can persuade them to accept for the head of each man of the Indian Enemy which they shall kill and bring in and also for each woman and child taken prisoner and delivered here. And for the better attaining this and that the Governor enter into an Alliance with them both offensive and defensive if they desire it, not doubting but the general Assembly will enable the Government to make good all such engagements.

That if the said Indians shall not be willing to carry on a war by themselves, that then it is necessary to insist on their acting in conjunction with this Government and Carolina in the prosecution of the said War, and that Hostages be demanded of them for their Fidelity.

That if the said Indians shall not agree to either of the terms above proposed, but pretend to stand neuter the like Hostages be forthwith demanded of them to be delivered with all possible speed.

That in case the said Tuscaruros shall fail to come in according to the Governor's appointment such a detachment of the Militia of the nearest

adjacent Countys as the Governor shall think fitt to be forthwith sent to the Tuscaruro Towns to require them immediately to attend the Governor and to bring with them Hostages for their Fidelity in case they continue in peace with this Governm^{t}

For the better protection of the Inhabitants of this Colony against the incursions of Indians it is ordered that ten men and an officer out of each of the Frontier Countys be appointed to range three days in a week above the Inhabitants, and that the said party be from time to time relieved by a like number with power to the Commanding Officer of the Militia of the said respective Countys to augment the number of the said Rangers, as the cause of Danger shall require

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[B. P. R. O. B. T. Virginia. Vol. 13. O. 104.]

COLONEL SPOTSWOOD TO THE BOARD OF TRADE

15th October 1711

My Lords,

After what I writt to your Lordships the 28th of July last of the success of my endeavours in quieting the Commotions in North Carolina, I was in hopes I should not have had occasion to trouble your Lordships again, with the affairs of that unhappy Country; but a more dismall and unexpected accident happening there lately I think it my duty to give your Lordships the following account of it together with my proceedings thereupon.

On the 22^{d} of last month some Towns of the Tuscaruro Indians, and other nations bordering on Carolina made an Incursion upon the head of Neuse and Pamplico Rivers in that Province, without any previous Declaration of War, or show of Discontent, and having divided themselves into Partys, at sun rise (which was their signal) begun a barbrous massacre, on the inhabitants of the Frontier plantations, killing without distinction of age or sex about sixty English, and upwards of that number of Swiss and Palatines, besides a great many left dangerously wounded: the Baron de Graffenried Chief of the Swiss and Palatine settlement there is also fallen into their hands, and carry'd away prisoner; since which they have continued their ravages, in burning those plantations, and others deserted by the Inhabitants for fear of the like cruelty's. The Governor Mr Hyde has raised what men he can, to oppose the further

invasion of the Heathen and protect the rest of the Country: but that spirit of disobedience to which they have been long accustomed still prevails so much that he can hardly persuade them to unite for their common safety. I will not affirm that the invitation given those Savages, some time ago by Col° Cary and his Party, to cutt off their fellow subjects (tho that heavy charge is proved by divers testimonys and firmly believed in Carolina) has been the only occasion of this Tragedy, yet it appears very reasonable to believe that the Indians have been greatly encouraged in this attempt, by the unnatural Divisions and Animositys among the Inhabitants, and I very much fear their mutinous and cowardly behaviour in some late skirmishes, will embolden the Indians to continue their insolencies.

Upon the first Advice of this unhappy event I sent out Detachments of our Militia to prevent our Tributary Indians from joining with those Savages, and understanding that the greater part of the Tuscaruros had refused to be concerned with the rest of their Nation in this bloody execution, I have sent to them and the other neighbouring Indians to meet me next week on our Frontiers, in order to a Treaty, and as they stand in some awe of this Government, both from the opinion they have of our strength, and their apprehensions of the loss of our Trade upon a Rupture I hope at this Conference to work so far on their fears and interest as at least to preserve their friendship, if not to engage their assistance for the destruction of those Assassins There is very little temptation for any man to enter upon an Indian war, nor much however to be got by encountering a people, more like wild beasts than men: but if war be the only means left us to secure her Majesty's people and Territorys from the Heathen, I don't doubt but our Assembly (which is to meet the 7th of the next month) will take such Resolutions as become them to provide for the effectual prosecution of it. But whatever Air I may give the matter to the Indians, I must not conceal from your Lords^{ps} the incapacity of this Country for an offensive or defensive war. Our Militia are in a manner wholly destitute of Ammunition, and as ill provided with arms that are usefull, and unless her Majesty will be pleased to send in a supply of both to be ready against an emergency, I fear I shall not be able to sustain any considerable attack of an Enemy.

Upon the apprehensions we had this summer of the French squadron (which is said to be now in the West Indies) I made a shift to raise four Forts, and run some Lines for the defence of our chief rivers, and to mount about 70 pieces of Canon not finding at my arrival such a thing as either Parapet, Pallisade or one single piece of Ordnance mounted

throughout the whole Government. I endeavoured to make our last Assembly sensible of the naked Condition of their Country, but the expence appearing to them then, much more immediate than the Danger, they were easily influenced by their low circumstances to deferr the consideration thereof however I prevailed on them to revive in the mean while a former Law made for the defence of the country in times of danger, and by virtue of that Law I have carryed on the above mentioned works during the late alarm; Notwithstanding I have been mightily embarassed by a sett of Quakers, who broach doctrines so monstrous as their brethren in England have never own'd, nor indeed can be suffered in any Government, they have not only refused to work themselves, or suffer any of their servants to be imployed, in the Fortifications, but affirm, that their consciences will not permitt them to contribute in any manner of way to the defence of the Country, even so much as trusting the Government for provisions to support those that do work, tho' at the same time they say, that being obliged by their religion to feed their Enemy's, if the French should come hither and want provisions they must in conscience supply them. As this opinion of theirs is quite different from their practice in Carolina, where they were the most active in taking arms to putt down that Government (tho they now fly again to the pretence of Conscience to be excused from assisting against the Indians) I have thought it necessary to put the Laws of this Country in execution against that sect of people, which impower me to imploy all persons as I shall see fitt for the defence of the Country in times of danger, and imposes fines and penaltys on their disobedience; I doubt not they will sufficiently exclaim against me on this occasion and perhaps their brethren in England who keep a joint stock (as tis said) to to prosecute the Quarrells of all that sect, may think fitt to attack me; but I am persuaded I shall not incur my Sovereign's displeasure so long as I act by the Rule of Law, and it is absolutely necessary to discourage such dangerous opinions, as would render the safety of this Government precarious, since every one that is either lagg or cowardly would make use of the pretence of Conscience to excuse himself from working or fighting when there is greatest need of his service and I fear the Quakers would find too many proselytes on such occasions.

As soon as I was informed of this fatal accident in Carolina I prohibited all Trade from this Country with the Indians finding they were better provided with ammunition than we ourselves, and had the Government of Carolina made the same step when this Country had a dispute with those very Indians, about a murder committed here some years ago, It is

very probable they might have been more cautious of falling upon any of her Majesty's plantations when they found we espoused one another's quarrels but the tameness of this Government in passing over that affair, and the constant supplys they received from Carolina of powder, shott and other necessarys, notwithstanding the representations of this Government, made them believe we were under distinct sovereigns as well as Governors and that we would no more assist Carolina than they us. I have also sent to demand the releasement of the Baron de Graftenried who by our advices was still alive but supposed only reserved for a more solemn execution, to be tomahawked and tortured at their first publick War Dances.

I am with all due respect,
My Lords
Your Lordships
Most dutifull and most
obedient humble servant
A. SPOTSWOOD.

Virginia October 15th 1711.

(Endorsed)
Recd / Read } 29th Novr 1711.

[From the MSS. Records of the Friends Monthly Meetings in Pasquotank Precinct.]

At a Monthly Meeting held in Pasquotank at Newbegun Creek the 16th of the 9th Month 1711 The friends appointed to visit Ephram Overman have discoursed him concerning his forwardness in assisting the Souldiers to defend himself and others with carnal weapons contrary to our known principles the which after further Consideration he acknowledged to be an error in him and hoped for the future to take better care and walk more circumspectly

Also Thos Robinson and Sarah Symonds published their intentions of marriage the second time Nothing apeared against it Therefore friends leaves them to their Liberty to Compleat the Same Also William Everigin & Elizabeth Henley Declared their Intentions of Marriage it being the first time friends appoint Henry Keaton & John Symons to enquire into his life & Conversation and Clearness in respect of Marriage

[From Spotswood Letters. Vol. 1. p. 120.]

Virginia, 15th October, 1711.

To my Lord Dartmouth:

My Lord:

* * * * * * *

I endeavoured to make our last Assembly sensible of the naked Condition of their Country, but the expence appearing to them much more imediate than the danger, they were Easily influence by their Low Circumstances to defer the condition thereof; however I prevailed on them to revive in the meanwhile a former Law made for the defence of the Conntry in times of danger, and by virtue of that Law, I have carried on the above-mentioned Works during the late Alarm, Notwithstanding I have been mightily Embarrassed by a sett of Quakers who broach Doctrines so monstrous as their Brethren in England have never owned, nor, indeed, can be suffered in any Government. They have not only refused to work themselves, or suffer any of their Servants to be employed in the Fortifications, but affirm that their Consciences will not permit them to contribute in any manner of way to the defence of the Country even so much as trusting the Government with provisions to support those that do work, tho' at the same time they say that being obliged by their Religion to feed the Enemys, if the French should come hither and want provisions, they must, in conscience, Supply them. As this Opinion of theirs is quite different from their practice in Carolina, where they were the most active in taking arms to pull down the Government, tho' they now fly again to the pretence of Conscience to be excused from assisting against the Indians, I have thought it necessary to put the Laws of this country in execution against that Sect of people, which impowed to employ all persons as I shall see fitt for the defence of the Country in times of danger, and impose fines and penaltys upon their disobedience. I doubt not they will sufficiently exclaim against me on this Occasion, and perhaps their Brethren in England, who keep a joint Stock to preserve the quarrells of all the Sect [who] may think fitt to attack me, but I'm persuaded I shall not incur my Sovereign's displeasure so long as I act by the Rule of Law, and it is absolutely necessary to discourage such dangerous Opinions as would render the safety of the Government precarious. Since every one that is either lazy or Cowardly would make use of the pretence of Conscience to excuse himself from working or fighting when there is greatest need of his service, and I fear the Quakers would find too many proselytes on such Occasions.

[B. P. R. O. JOURNAL VA. COUNCIL.]

24. OCTOBER 1711.

The Governor this day acquainted the Council that pursuant to the Resolutions on the 15th instant he had met the Deputys of the Tuscaruro Indians at the Nottoway town, and had made the demands then agreed on; That he found the said Deputys very desirous to continue in peace with Her Majesty's subjects as well of this Government as of Carolina, and well enough inclined to enter into a war with the Indians concerned in the late Massacre, upon promise of a reward of six blankets for the head of each man of the said Indians killed by the Tuscarnros, and the usual price of slaves for each woman and Child delivered captives, but that they desired time till the 20th of the next month to consult with their respective towns and had promised to come to Williamsburgh against that time or within five days thereafter with a final Answer both as to their entring into the said War and their delivering Hostages for their Fidelity.

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 151.]

26th OCTOBER 1711

Loving ffriend,

* I have sent pr: Robt ffendall some bills of Exr viz, one bill for £20 and another &c * * * * * * * * *

I suppose thee hast heard of ye Mafecre we had here wth ye Indians, they have Kill'd about 100 people and have taken prifoners abt 20 or 30, we are forc'd to Keep garisons and watch and Gard, day and Night, weh I suppofe, you have it all at large before now—I defire thee to send me a line pr: ye first op'unity and in Soe Doing, thee will obledg him what is

Thy reall ffriend

FFARNIFULL GREEN.

[B. P. R. O. B. T. Virginia. Vol: 13. O. 118.]

COLONEL SPOTSWOOD TO THE BOARD OF TRADE.

Virginia November 7th 1711.

My Lords,

The last letter I had the honour to write to your Lordships of which the inclosed is a copy gave an account of my intended progress to our Southern Frontiers to meet the deputys of the Tuscaruro Indians. Accordingly having drawn together to Nottoway town against the time appointed the Militia of the three neighbouring Countys consisting of upwards of 1600 men; five of the great men of that Nation arrived very opportunely just at the time I had brought the Militia under some discipline; and were not a little surprized to find there so great a body of men in such good order. After entring into Conference with them I found both by their discourse, and also from what my Messenger assured me of his observations while he was in their Towns, that they were very desirous to continue in peace with this Government and seemed much concerned that any of their Nation should have joined in the Massacre in Carolina. I then proposed to them either to carry on a war against those Indians upon the promise of rewards to be paid them, or to join with her Majesty's Subjects of Carolina for extirpating those Assassins, and that for the better assuring us of their future good behaviour they should deliver two children of the great men of each town to remain as Hostages and to be educated at our Colleges. But as they had no Authority to conclude anything without the concurrence of the rest of their Nation, they desired time to informe their Townes and promised to returne with an Answer by the 20th of this month and I'm in great hopes to obtain what I have proposed by the readiness they have already showed in this meeting, as well as their frankness in procuring the liberty of the Baron de Graffenried upon the demand I made of him, who was to be conducted home to Carolina the next day after my Messenger left their Country.

The delivering their children as hostages will not only prove the most effectual security for their Fidelity, but may be a good step towards the Conversion of that whole Nation to the Christian faith and I could not hope for a more favourable Conjuncture to meet this demand than now when they are under great apprehensions of our Resentmts for the late Barbaritys committed in Carolina, and the impressions made on them by

the appearance of so great a force as I then show'd them. I took this occasion to renew a Proposal I formerly made to our tributary Indians for sending some of their children to be brought up at the College, and though it has hitherto been judged a matter so impracticable that the Governors of the College have thought it in vain to attempt it and have chosen rather to be at a great expence for buying Indians of remote Nations taken in War, to be educated in pursuance of a Donation left for that purpose by Mr Boyle, yet I have prevailed so far by offering to remitt their whole tribute of skins so long as they kept their children at the College, that the King of the Nansemonds has already sent his son and Cousin, the Nottoway and Maherines have sent each two of their Chief mens sons to be brought up to Learning and Christianity; and the Queen of Pamunky upon seeing how well those Indian children are treated has engaged to send her son and the son of one of the Chief men upon the same Foot and I also expect another boy from the Chickahominys. As the remitting their Tribute is one of the conditions for their keeping their children at the College, and I believe a strong motive to engage their compliance, so if it should happen to be disapproved and revoked by succeeding Governors, because it lessens their Income, it may occasion their recalling their children and consequently prove a discouragement to the design of their conversion.' And therefore I humbly offer to your Lordships consideration that her Majesty may be moved to signify her Approbation of my yielding this branch of the Governor's perquisites, and if that be thought too great a prejudice to my successors I shall if your Lordships think fitt, propose another Fund by which her Majesty may be enabled to give an equivalent for this Loss, which I shall beg leave in that case to lay before your Lordships and I hope the Example I have sett, with what I have recommended in my speech to the Assembly on that subject, will prompt them to settle some Fund towards the Education of the Indians, since that already given to the College by the deceased Mr Boyle, will be too small for the maintenance of so great a number as are like to be there in a short time.

That your Lordships may be informed of the affairs under the consideration of this Assembly I take the liberty to inclose a copy of my speech at the opening this Session, and shall by the next opportunity (which I expect in a short time) give your Lordships an exact account of their proceedings, together with the progress of my negotiations with the Tuscaruro Indians, which I'm now obliged to break off by reason of the sudden departure of the ship, in which this is intended '

I am with all due respect
My Lord,
Your Lordships
Most dutifull and most
Obedient Humble Servant.
A. SPOTSWOOD.

(Endorsed)
Recd 24th May } 1712
Read 11th Decr }

[B. P. R. O. N. C. B. T. 7. p. 48.]

At his Grace the Duke of Beaufort's House
Novr the 1711
Present
John Manley Esq for his Grace the
Duke of Beaufort
Maurice Ashley Esq
Sr John Colleton Bart.
John Danson Esqre

Read a Letter from his Grace the Duke of Beaufort where he returns their Lordps his thanks for choosing him their Palatin & that he do's accept of the same.

Coll Thos. Cary was called in to answer the accusation against [him] at the last Board and then Coll Cary's answer was read.

Ordered that the Secretary prepare a letter to the Board of Trade to desire their Lordships to inform them what accounts they have received from Virginia relating to the incursions of the Tusqueroro Indians in North Carolina &c

[B. P. R. O. N. C. B. T. 7. p. 49.]

At his Grace the Duke of Beaufort's House
Novr ye 20th 1711.
Present
John Manley Esqre for his Graee the
Duke of Beaufort
The R^{t} Honble John Lord Carteret
Maurice Ashley Esqre
Sir John Colleton Bart.

Col^{l} Cary appeared at the Board to answer the accusation of Mr Hyde on whieh it was ordered that the particular facts relating to Col^{l} Cary's accusation be abstracted out of Mr Hyde's letter and delivered to Col^{l} Cary in 3 or 4 days time.

Adjourned till this day fortnight

[From Calendar of Virginia State Papers. Vol. 1. p. 154.]

Vergeney—ff:

To ye Right Honble Allexander Spottswood, her Majestys' Leftenant Governour of ye fd Collony, and ye Reft of ye moft Honble Councill of State—

The humble pe'tion of ye pore diftreffed inhabitants of Nuse River in * * * * * County in North Carolina most humbly sheweth y^{r} Excellency—

That wharas there hath by ye permition of Allmighty God for our fins and Disobedance: bin a moft horred Mafecre Committed by ye tufkarora Indans upon her Majestys' pore Subjects in ye sd: province of North Carrolina, and we her Majestys' pore Subjects who by gods' providence have survived, are in Continuall Dread and Do suffer Dayley Deftruction in our stocks and horses and fencing being burn'd—whieh if not speedally prevented, wee muft all Likewife Perrifh with our brethern, for we have not forse, nor Indeed any speedy care taken to prevent it in our Country—But for as much as we are her Majesty's subjects, and Ready at all times to be obfervant to her Majestys' Royal Commands: We do therefore with one voyse, knoweing yor Exeelancys' Care and paternal Tenderneſs towards all her Majestys' Subjects, moft Humbley

beseech and Implore yor Hon^{r} as you tender the wellfare of her Majestys' pore Subjects, forthwith to send to our Releafe fum Confiderable forse of men, armes and ammunition to Detect ye Barbarous Infolvency of thofe Rebelous Rogues, and as for provifion, we ar Ready to ye uttermoft of our abilety to affist ye armey If y^{r} Excellency pleases to fend them—which wee fhall Dayley pray for: So hoping y^{r} Excellency will take into y^{r} sage Confideration our Deftreffed Condition, we y^{r} pore petioners as in Deutey bound shall Ever Pray—

BENJ: SIMSON	THOS: DAWSON
JNO: GEORGE	FRA: HILL
* * * *	ROGER HILL
WILL * * *	FARNIFOLD GREEN
WILLIAM HANCOCK	TH^{o} WELSON
JOHN SLOCUM	JAMES BLOUNT
MARTAIN HOPKINS	ADAM FFERGISON
WILL: PRICE	ADAM FFERGISON JUR:
RICHARD HILL	ROB^{t} WATTSON
ROB^{t} BRUSE	

And many others

[Extracts from Journal of South Carolina House of Assembly.]

[Page 584—339 original.]

Friday Oct. 26th 1711.

House met.

Mr Speaker acquainted the House that the Govr gave him two letters relating to the affairs of North Carolina, & recommended them to the consideration of the House of Commons.

[Page 340 in original.]

Ordered;

That the said Letters be read, which were read accordingly & the House taking them into debate.

Resolved; That it is the opinion of this House that the inhabitants of North Carolina in their present deplorable circumstances should be aided and assisted by this Government.

[Page 585—340 original.]

Mr Speaker & Gentlemen;

"We are heartily glad that the Resolution of yr. House is so agreeable to ours, & that those good intentions may the sooner be put in execu-

tion, we desire that you would speedily propose a method to answer the end we aim at, the relief of our poor distressed Brethren of North Carolina.

ROBERT GIBBES.

Gentlemen;

The chief cause of my calling you together at this time is to acquaint you of & lay before you the acct we have from the Govr & Government of N. C. the dismal & deplorable condition the Inhabitants thereof now labour under, & desire, as they are subjects of the same Queen Tenants to the same Lords Proprs Christians and Neighbors we will speedily & willingly afford them our assistance, & heartily entreat us to send them a number of Indians with all dispatch, else they must desert the place which I think as Christians & to the relief of the Queens subjects & our fellow tenants to our Lords Proprs we are in conscience & duty bound to do. I therefore desire we may consider & resolve on the best ways & (means) methods possible, & that with all expedition we may send to them relief & assistance, A particular acct thereof refers you to Mr Gale.

* * * * * ROBERT GIBBES.

Ordered; That Capt Benj. Quelch, & Mr Benj Godin Carry the following message to the Governor & Council.

May it please Yr Honrs

As this House has now met [Page 586—Original 342] according to Yr Proclamation, & upon due Consideration of the deplorable Circumstances of the Inhabitants of North Carolina hath also sent your Honr our resolutions that they should be aided & assisted by this Government. So this House waits Yr Honrs proposals for the best & most speedy ways & means to effect the same which will be readily seconded by this House, in a concurrance suitable to the passing occasion thereof.

SATURDAY Oct. 27th 1711.

A message from the Govr & Council by Thos. Hepworth Esqr. with the following message in writing.

Mr Speaker and Gentlemen;

This House having Considered of Yr. message sent to us last night, we are of opinion that a Sufficient number of warlike Indians (such as lies most Convenient to this expedition) be immediately raised with a proper officer or officers appointed to command them; that a sufficient quantity of arms & ammunition be provided, & that all due encouragement be given to bring this Necessary war to a happy conclusion in which this House will readily concur with you.

ROBERT GIBBES.

[Page 587—Original 343.]

FRIDAY Nov 2nd 1711.

The House met.

Capt Thos. Nairne prayed leave to lay before the House an estimate of charges necessary to carry on an expedition to relieve the Inhabitants of N. C.

Ordered; That the said Capt. Nairne lay this before the House which he read in his place & delivered in at the Table.

Whereupon; The House taking under debate the charges and expenses to be applied for relief of North Carolina & the question being whether a sufficient sum of money not exceeding the sum of four thousand pounds be immediately raised for that purpose.

[Page 344 original]

Carried in the affirmative—

Ordered; That Col. Logan, Col. Hugh Grange, Col. Alex Parris Col. John Fenwick & Capt Thos. Nairne or any 3 of them be a Committee to Compute purchase & procure the necessary stores for an expedition agst the Tusqueroras pursuant to the resolution of this House, & that they make their report thereon, this afternoon.

[Page 588—Page 344 original.]

Ordered; That Maj. Gale be sent for, & that Mr Speaker inquire of him whether the Government of North Carolina can provide a sufficient quantity of provisions for the return of our forces, at the determination of the expedition as also what stores of Powder & Shot that Govert can furnish our forces with (who appearing accordingly & being asked by Mr Speaker the foregoing questions) answered & undertook upon himself on behalf of the Government of North Carolina, that he would provide & then should be got ready fifteen hundred bushels of corn for the supply & return of our forces, as also six barrels of Powder & an equivalent quantity of Bullets & Swarm Shott & then withdrew.

[Page 345 in the original.]

Ordered; That the Committee appointed to purchase & prepare the necessary stores for the expedition against the Tusqueroras be a Committee to prepare Letters & Instructions to be given to the Indian Traders for the said expedition & that make report thereof to-morrow in the afternoon.

SATURDAY Nov 3rd 1711.

The House met according to adjournment.

[Page 346 in original.]

Upon motion.

Ordered; That the offer of the chief Captain of the forces to be raised to march agst the Tusqueroras be made to Jno. Barnwell Esqr. which the Speaker having accordingly made: The sd John Barnwell answered the House that he thanked the House for the offer & that he would accept the same.

Resolved; That Jno. Barnwell Esqr. be commander in chief of the forces of white men & Indians to be raised to march against the Tusqueroras & other Nations of Indians now in rebellion agst the Government of North Carolina.

The committee appointed to purchase & prepare the necessary stores for the expedition against the Tusqueroras, & to prepare Letters & Instructions to be given to the Indian Traders &c prayed longer time to make their report.

Ordered; That the said Committee have farther time to Monday next.

Ordered; That an humble address be sent to the Lords Propre of Carolina, therein to lay before them the great mischief & danger to this Province by the intrusions & approachments of the Virginia Traders Trading with the Indians living within the limits of & in amity with this Governt & that their Lordships by asserting their just rights [Page 590—Page 347 original] therein would be pleased effectually to prevent & suppress the same for the future: As also to address their Lordships that they would be pleased to bear some part of the great charge which will arise to this province by the intended expedition agst the Tusqueroras & other nations of Indians now in rebellion against the Government of their Lordships Province of North Carolina.

Ordered;

That Capt. Quelch, Capt. Thos Nairne & Jno. Barnwell Esqr. Be a Committee to draw up the said address & that they bring the same into the House next Tuesday in the afternoon.

Tuesday Nov. 6th 1711

The House met according to adjournment.

Read the first time a Bill for raising the sum of four thousand pounds &c and past with amendments.

Ordered;

That Col. John Fenwick & Capt. Thos Nairne carry the foregoing Bill to the Govr & Council.

[Page 591—Page 348 original.]

WEDNESDAY Nov. 7th 1711

The House met according to adjournment.

Read the petition of Edmund Ellis praying to be admitted Chyrurgeon for the expedition against the Tusqueroras.

Ordered:

That the choice of a Chyrurgeon be referred to the choice & discretion of Jno. Barnwell Esqr. Commander in Chief of the said expedition.

[Page 349 original.]

Read the second time the Bill for raising the sum of four thousand pounds &c and past with amendments.

[Page 592.]

Ordered; That Col. John Fenwick & Jno. Barnwell Esqr. carry the 3 foregoing Bills to the Governor & Council.

The House adjourned to 3 o'clock in the Afternoon.

A message from the Govr & Council by Thos Hepworth Esqr. who returned the Bill for raising the sum of four thousand pounds &c & the additional Bill for cutting & making a path &c, both marked with a second reading.

[Page 350 in the original.]

Ordered; That Jno. Barnwell Esq. & Capt. Peter Hann carry the foregoing Bill to the Governor & Council.

[Page 594—Page 353 in the original.]

THURSDAY. Nov. 8th 1711.

May it please your Honrs

The provision for relieving the Inhabitants of North Carolina being so far advanced that it is necessary that the Governmt should receive intelligence thereof as soon as conveniently may be. And the agent from thence having engaged himself to supply our forces with stores of ammunition, Corn & other necessaries. We therefore pray your Honrs to despatch the sd agent with letters to that Government in such a small vessel as your Honr shall think convenient for that purpose the charges thereof the said agent hath undertaken to see defrayed, in which letters we desire your Honr to signify to that Governmt among other things, the great charges this Province is under in the preparations we make to relieve them, & that we promise ourselves to be reimbursed by those we relieve: We think it further necessary to have frequent intelligence between this Port & North Carolina, during the time our forces are absent on this expedition, & therefore pray your Honrs to take up & employ at

the publick charge a fit vessel for that purpose, as often as it shall appear useful to the expenses of which this House will always readily contribute.

[Page 598—Page 357 original.]

SATURDAY Nov. 10, 1711.

The House met.

Ordered; That Thoˢ Nairne Esqr. & Col. Hugh Grange carry the following Bills to the Governor & Council.

A Message from the Govʳ & Council by Thoˢ Hepworth Esq. who brought Letters to be perused by this House, which are to be sent to the Governmᵗ of North Carolina.

Read, the 3ᵈ time, the Bill for raising the sum of four thousand pounds, & past into a Law.

A LETTER FROM MAJOR CHRISTOPHER GALE.

[FROM NICHOLLS' LITERARY ILLUSTRATIONS—REPRINTED FROM HAWKS'S HISTORY OF NORTH CAROLINA.]

CHARLESTON S. C.
November 2 1711.

MY DEAR:—

I cannot omit, by all opportunities, to inform my second self that you have still living in a brother the most faithful friend that ever was, though perhaps by as signal a hand of Providence as this age can demonstrate.

I will not trouble you with repetitions, but refer you to the afterwritten memorial which I laid before the government, and shall only acquaint you how far I had been concerned in the bloody tragedy, if kind Providence had not prevented.

About ten days before the fatal day, I was at the baron's, and had agreed with him and Mr. Lawson on a progress to the Indian towns; but before we were prepared to go, a message came from home, to inform me that my wife and brother lay dangerously sick; which I may call a happy sickness to me, for on the news I immediately repaired home, and thereby avoided the fate which I shall hereafter inform you.

The baron, with Mr. Lawson and their attendants, proceeding on their journey, were, on the 22ᵈ of September (as you will see by the memorial) both barbarously murdered; the mat, on which the baron used to lie on such like voyages, being since found all daubed with blood, so as we sup-

pose him to have been quickly dispatched. But the fate of Mr. Lawson (if our Indian information be true) was much more tragical, for we are informed that they stuck him full of fine small splinters of torchwood, like hogs' bristles, and so set them gradually on fire. This, I doubt not, had been my fate if Providence had not prevented; but I hope God Almighty has designed me for an instrument in the revenging such innocent Christian blood.

On Sunday, October 21, I arrived here in the quality of an agent, and in order to procure the assistance of the government to destroy our enemies, which I doubt not in a little time to effect. The family I left in garrison at Bath town, my wife and brother pretty well recovered; but what has happened since, I know not. Two days after I left the town, at daybreak (which is the Indians' usual time of attack), above 100 guns were heard, which must have been an attack made by the Indians upon some of our garrisons, which are in all eleven in number; but cannot hear the success of it, though a small vessel came from the out part of our government there the other day, by which I have the following news: that on my coming away, Captain Brice detached from our out-garrisons fifty men, and in the woods met with a body of Indians, who fought them three days, and forced them at last to retire into their garrison. The Indians lost in this engagement fifteen men, and we took two, one of whom was killed by one of our men. During this engagement, another body of the Indians, being advised that the garrison was weakened by this detachment, came and attacked the garrison, and at the same time a number of Indian prisoners of a certain nation, which we did not know, whether they were friends or enemies, rose in the garrison, but were soon cut to pieces, as also those on the outside repelled. In the garrison were killed nine Indian men, and soon after thirty-nine women and children sent off for slaves. This is the condition we at present labor under. I shall not trouble you with a particular relation of all their butcheries, but shall relate to you some of them, by which you may suppose the rest. The family of one Mr. Nevill was treated after this manner: the old gentleman himself, after being shot, was laid on the house-floor, with a clean pillow under his head, his wife's head-clothes put upon his head, his stockings turned over his shoes, and his body covered all over with new linen. His wife was set upon her knees, and her hands lifted up as if she was at prayers, leaning against a chair in the chimney corner, and her coats turned up over her head. A son of his was laid out in the yard, with a pillow laid under his head and a bunch of rosemary laid to his nose. A negro had his right hand cut off and left dead. The master

of the next house was shot and his body laid flat upon his wife's grave. Women were laid on their house-floors and great stakes run up through their bodies. Others big with child, the infants were ripped out and hung upon trees. In short, their manner of butchery has been so various and unaccountable, that it would be beyond credit to relate them. This blow was so hotly followed by the hellish crew, that we could not bury our dead; so that they were left for prey to the dogs, and wolves, and vultures, whilst our care was to strengthen our garrison to secure the living.

The ship by which this comes is ready to sail, so cannot enlarge; only desire my duty may be presented to my father and mother, my sincere love to yourself and brothers, and service to all friends, hoping for a speedy answer to my last by Madam Hyde, is what offers from

Your sincerely affectionate brother,

CHRISTOPHER GALE.

FROM CHARLES TOWN, CAROLINA.

THE MEMORIAL OF CHRISTOPHER GALE FROM THE GOVERNMENT OF NORTH CAROLINA, TO THE HONORABLE ROBERT GIBS, GOVERNOR AND COMMANDER-IN-CHIEF, AND TO THE HONORABLE COUNCIL AND GENERAL ASSEMBLY.

To lay before your honor the prospect or representation of as promising a country as was ever watered with the dew of heaven, would take up more time than the present exigency of the affair I am now set upon would give me leave; but much more time, and a hand more skilful, would be requisite to give you a view of the calamities and miseries of so fine a country laid waste and desolate by the most barbarous enemies: I mean the Corees and Tuscarora Indians.

Although I shall not use much eloquence to implore your aid and assistance in revenging such injuries, causes of that nature when truly stated being their own best orator; yet, I presume, I have all the advantages that may be of making a true representation of that affair to your honors, being an inhabitant of Beaufort precinct, where a great part of this hellish tragedy was acted. I shall, therefore, inform your honors, that on Saturday the 22^{d} of September last, was perpetrated the grossest piece of villainy that perhaps was ever heard of in English America. One hundred and thirty people massacred at the head of the Nuse, and on the south side of Pamptaco rivers, in the space of two hours; butchered after the most barbarous manner that can be expressed, and their

dead bodies used with all the scorn and indignity imaginable; their houses plundered of considerable riches (being generally traders), then burned, and their growing and hopeful crops destroyed. What spectacle can strike a man with more horror and stir up more to revenge, than to see so much barbarity practised in so little a time and so unexpectedly? And what makes it the more surprising, that nefarious villainy was committed by such Indians as were esteemed as members of the several families where the mischiefs were done, and that with smiles in their countenances, when their intent was to destroy. I must inform your honors that the governors of North Carolina are not in a condition to take a full (I might say any) satisfaction on the enemy, nor to prevent their further progress, by reason their neighboring Indians are not to be relied on for any assistance, but rather to be feared they would be prejudicial in any expeditions; if not joined with the enemy as we have good reason to judge by their behavior both before and since the act was committed: therefore a strict and jealous eye is necessarily kept over them by the government, and our whole country drawn into garrisons to prevent mischief that way, which very much hinders the getting men into a body to pursue the enemy, who are at present between two and three hundred effective men, and above one thousand women and children; and I believe your honors will be of opinion, that it is altogether impracticable to attempt such a body of men, flushed with their first success, without Indians who are acquainted with their manner of fighting. Wherefore, on behalf of the government of North Carolina, by which I am employed, I earnestly entreat your honors to permit and encourage so many of your tributary Indians as you think proper, to fall upon those Indians our enemies, whose families are since fled down to the seaboard between Weatuck and Cape Fare rivers, whilst their men are still ravaging and destroying all before them, within sight of our garrisons; that by your assistanee exemplary justice may be done to such barbarous villains as have laid waste and desolate such a flourishing part of the lords proprietors' country, and which, without your speedy relief, will be wholly deserted. If any Indians are found innocent of that massacre and will assist in the destruction of those inhuman wretches, care will be taken to distinguish those from the rest; but I very much fear that upon strict inquiry, it would be found that the whole nation of the Tuscaroras (though some of them may not yet be actors) was knowing and consenting to what was done; and that the success of those already in motion, if not put a stop to, will at last induce the rest to join with them in carrying on these bloody designs. Beside the daily expectation of a considerable number of Senekoes [Sene-

cas], which we are certainly informed are coming to cohabit with the Tuscaroras, our enemies, this winter, and become one nation, which in time may affect our neighboring governments as well as us. I firmly persuade myself that so much prejudice as the lords proprietors will receive by that fatal blow, the barbarous murder of so many of our fellow-subjects, among which number is the Honorable Baron de Graffenried, a landgrave of Carolina, and a member of the council, Mr. Lawson the surveyor-general, with divers others of note, will excite your honors' compassion toward such a country and hasten your assistance and relief.

I am, with all respect,

Your honors' most obedient, humble servant,

CHRISTOPHER GALE

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

The Proceedings of the Vestry for precinct of Chowan in the County of Albemarle in the provence of North Carolina met at the Honble Co^{ll} Hyde's then president.

Present

The Honble Edwd Hyde Esqr prs^{dt}
The Honble Thomas pollock Esqr
William Duckenfield, Esqr
The Honble Thos Peterson Esqr
Mr Thomas Luten
Mr Edward Smithwick
Mr Jno Bird
Mr Thomas Lee
Mr John Walker.

Ordered Imprimis—

That there be allowed and raised in the Said precinct of Chowan forty five pounds, and paid by the hereafter named and appointed Church Wardens to Rev^{d} Mr Urmston for having officiated in this precinct from the time of his first Coming into this Governm^{t} till the 25th Instant in the Commodities appointed by the Vestry Act.

Ordered that the Honble Thomas Peterson Esqr and Mr Thomas Lee be and are hereby chosen and appointed Church Wardens for the year ensuing the Date hereof and that they levy, raise, and Collect all sums appointed to be raised for the use of the parish, and that they be allowed for there So doing after the Rate of 20^{l} p^{r} C^{t}

That the Ten pounds Sterling given by Co[ll] Nicholson and now in the Hands of Mr Edward Moseley be demanded and received by the aforesaid Church Wardens.

That for want of the Act of Assembly for regulating of Vestries Establishing the Church and making provision for Ministers and the Vestry Book with the Late Church Wardens Accounts. Another Vestry be held at the Hon[ble] the p[r]sid[ts] the first Day of Jan[ry] next ensuing and that the late Church Wardens be warned to attend there and then to give up their accounts.

EDWD HYDE THOS LEUTON THOS LEE
THOS POLLOCK EDWARD SMITHWICK JOHN WALKER
THOS PETERSON JOHN BIRD

1712.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

CHOWAN PRECINCT

At a Vestry held at the Hono[ble] the p[r]sidents the 1[st] Day of Jan[ry] $17\frac{11}{12}$—

Present.

The Hono[ble] the president	M[r] Jn[o] Bird
The Hono[ble] Tho[s] Pollock Esq[r]	M[r] Tho[s] Lee
The Hono[ble] Tho[s] Peterson Esq[r]	M[r] Jn[o] Walker
Wm Duckenfield Esq[r]	
M[r] Edward Smithwick.	

Ordered then that the Hono[ble] the p[r]sident be humbly requested to issue his Warrant to the several Constables of this p[r]cinct, to take a list of the Tythables within their charge, and bring in the same or make Return of the same to the Hono[ble] the p[r]sident within the space of one Month after the Date hereof—

Ordered that the Hono[ble] Thomas Peterson Esq[r] together with M[r] Thomas Luten be desired to take M[r] Moseley's account of his late Office of Church Warden for this precinct.

Ordered that the Reverend M[r] Urmston be allowed for officiating in this precinct, the year following commencing from the twenty-fifth of December last past at the several times and Places hereafter mentioned. Seventy pounds to be levied and paid as the act of Assembly for estab-

lishing the Church and making provision for Ministers doth appoint and direct dated March y^e 12th. 17$\frac{10}{11}$ Viz^t One Sunday on the South Shore, the two next Sundays on the Western Shores alternately.

Provided always that he officiate the fourth Sunday on the other side opposite to that where he officiated the two foregoing Sundays and that he provide a passage at his own Cost and Charge.

JN^o URMSTON MISS^ry
EDWARD HYDE
THO PETERSON } Church
THO LEE } Wardens
WILLIAM DUCKENFIELD
THOMAS POLLOCK
JOHN BIRD
JOHN WALKER
EDWARD SMITHWICK

[From N. C. Letter Book. S. P. G.]

BISHOP OF LONDON TO THE SECRETARY.

(Extracts.)

Fulham, 12th January, 1711-12.

Sir:—

As to the letter of Baron Graffenreid, whereby you may perceive that they are all ready to conform to the Church of England: if the society will be pleased to allow a stipend for a chaplain to read Common Prayers in High Dutch, I will endeavor to provide one so soon as I have their resolution, which I would willingly hear so soon as possible, that I may send him over with Mr. Rainsford.

I am, sir, yours, etc.,

H. LONDON.

[B. P. R. O. N. C. B. T. 7. p. 52.]

Craven House Jan^ry 24th 1711–12

Present

The Rt. Honble The Lord Carteret
Mauriee Ashley Esqr
Sir John Colleton Barr^t
John Danson Esqr

Some Merchants desired to be heard by their Council who were called in and heard They alleged they had received losses by the Government of North Carolina & Roach as is alledg'd went over a factor from some

Merchants with effects to be disposed of there which effects are seized by Mr Hyde and his party. The Board did resolve that all reasonable care should be taken, that the goods seized by Govr Hyde or his order should be restored as far as legally they can be.

A Representation from the Merchants relating to that effect abovesaid was read.

Adjourned till next Tuesday.

CRAVEN HOUSE Janry ye 29th 1711–12.

Present
Lord Carteret
Sr. Fulwar Skipwith
Sr. John Colleton
John Danson Esqre

Ordered that the following Instructions be added to Govr Hyde's Instructions. Whereas it did plainly appear to us that very great abuses have been committed in our Province of Carolina by exorbitant and illegal Grants of Land made to several persons far exceeding & contrary to our Instructions given upon that account whereupon we thought it proper to prohibit all Sales or Grants of land except such as should be made at our Board yet at your instance & we being also very willing to give all due encouragement to such Planters as shall come to settle there, We have consented that any person during the term of seven years next ensuing the date hereof may within that part of our Province that is under your care purchase any small quantity of land not exceeding 640 Acres paying the money to our Receiver General there at the rate of £20. sterling for each 1000 Acres & reserving 12 pence sterling of Great Britain yearly quit rent for every 100 Acres to us the Lords Proprietors and our Heirs for ever for the same.

We do recommend to you in the most particular manner the consideration of the late Troubles & we are very sorry that you was compelled to make use of violent measures towards the support of the Government. We hope that all animosity is by this time extinguished & the best way to keep people quiet is to show all gentleness to those that were deluded & as little severity to those who were more deeply concern'd in those disorders as is consistent with law & justice. It must of necessity have happened that during these Commotions some unfortunate persons have suffer'd much in their Estates We desire that restitution may be made if it is possible to the full but if that cannot be as far as you can & that you send us as exact an estimate as you can make of the sufferings of the People whom we shall always protect to the utmost of our

power while they preserve their allegiance to the Queen and their duty to us the true & absolute Lords who represent Her Majesty. We further enjoin you to send over to us all the evidence that can be of any use towards our information that we may be able to lay an accurate account of what has happened before the Queen if her Majesty should require it of us.

Mr Danson brought in the account of the sale of Five Barrels of rice shipt by Gift upon the Mary Gally Wm. Holyday Master neat proceed being £105. 1. 1. which money was brought into the Board—

Out of which was paid

Edward Crisp	£10.	15s.	0d
Lord Carteret.	13.	7.	0
Lord Craven.	13.	7.	0
Sr John Colleton	13.	7.	0
Jno Danson.	13.	7.	0

Received the sum of £13. 7. 0 of Sr Fulwar Skipwith for the use of my Lord Craven.

[From the Vestry Book of St. Paul's Parish, Chowan Precinct.]

At a Vestry held at the Hono^{ble} the presidents. Feb^{ry} y^{e} 6th 17$\frac{11}{12}$—

Whereas there is no Constable appointed for the lower District of the North Shore from Edward Standing's lower down the precinct. the Church Wardens or either of them are hereby impowered to hire a fit person to take a List of the Tythables within the said District and after having received all the several Lists of all the Districts within this precinct to assess and collect or cause to be collected the aforesaid sum of forty-five pounds and the additional Charge for collecting the same to be raised equally ℔ pole.

Item that whereas the Hono^{ble} Thomas Peterson Esqr and Mr Thomas Luten have not been able to take and receive Mr Moseley's the late Church Warden's account of his said office, according to the order of the last Vestry. It is hereby ordered that they demand and take and lay the same before the next Vestry.

THOS PETERSON Church Warden
JOHN BIRD
SAML PATCHET

EDWARD HYDE
THOS POLLOCK
JOHN URMSTON MISS^{ry}

LEONARD LOFTEN
WILLIAM DUCKENFIELD
THOS LUTEN

THOS LEE Church Warden
JOHN WALKER

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 120.—EXTRACT.]

COLONEL SPOTSWOOD TO THE BOARD OF TRADE 8th FEBRUARY 17$\frac{11}{12}$.

My Lords,

* * * *
* * * *

At present the danger seems much more to threaten North Carolina where the Indians daily gather strength, and have already besieged a Party of the Inhabitants in a small Fort they had built for their Protection. The distractions among themselves give the Indians all the opportunitys they could wish of destroying them, for as our Burgesses for their private Interest have disappointed all means of defending this Country, so those of Carolina on a worse principle have resolved to sacrifice the Province to their own private resentments, and because they cannot introduce into the Government the persons most obnoxious for the late Rebellion and Civil war, they will make no provision for defending any part of the Country, and are now likewise dissolved without doing any business. The Baron de Graffenried being obliged while he was prisoner among the Indians to conclude a neutrality for himself and the Palatines lives as yet undisturbed, but is sufficiently persecuted by the people of Carolina for not breaking with the Indians tho they will afford him neither provisions of war or victuals nor any assistance from them: he has always declared his readiness to enter into the war as soon as he should be assisted to prosecute it; but it would be madness to expose his handful of people to the fury of the Indians without some better assurance of help than the present Confusions in that Province gives him reason to hope for, since the Indians would soon either entirely destroy that settlement or starve them out of the place by killing their stocks and hindering them from planting Corn In the mean time the people of Carolina receive great advantage by this neutrality, for by that means the Baron has an opportunity of discovering to them all the designs of the Indians, tho' he runs the risque of paying dear for it, if they ever come

to know it. This makes him so apprehensive of his Danger from them, and so diffident of help or even justice from the Government under which he is that he has made some offers to remove to this Colony with the Palatines, upon some of her Majesty's lands, and since such a number of people as he may bring with him what he proposes to invite over from Switzerland and Germany will be of great advantage to this Country, and prove a strong Barrier against the Incursions of Indians if they were properly disposed above our Inhabitants, I pray your Lordships directions what encouragements ought to be given to this Design either as to the quantity of land or the terms of granting it. Your Lordships will also be pleased to instruct me as to the settlement of a great number of the other Inhabitants of North Carolina who I understand design to remove hither for protection.

I beg leave to represent to your Lordships the necessity of some speedy orders for this Colony Maryland and Carolina to assist each other in case either be attacked, and if your Lordships shall think fitt to propose this to her Majesty, I humbly offer that the regulation of that assistance may not be left to the precarious humour of an Assembly, but that your Lordships will be pleased to consider of some more proper method for rendring it effectuall. I should have sent 'ere now an account of the stores of war in this Country; but considering those accounts have been transmitted both by Coll: Nott and Mr President Jenings and none other sent hither since, I thought it needless to trouble your Lordships with an account which would contain only the same thing without any alteration except as I have already intimated to your Lordships the powder is much more wasted and decayed than it was then.

I am with all due respect
My Lords
Your Lordships
Most dutiful and most
Obedient Humble Servant
A. SPOTSWOOD.

Virginia Feb^ry 18th 1711.

(Endorsed)
Rec^d 14th April
Read 11th Decr 1712.

[B. P. R. O. B. T. VIRGINIA. VOL. 58.—EXTRACTS.]

JOURNAL OF THE VIRGINIA COUNCIL

At a Council held at the Capitol
the 20th day of February 1711 (-12.)

On reading at this Board a petition of the Inhabitants of Neuse River in North Carolina representing the deplorable State to which they are reduced by the Indian Enemy their houses and plantations burnt; their Stocks destroyed and they forced to betake themselves to Garrisons for their defence where they will soon be in danger of starving for want of necessarys and unable to defend themselves without speedy succour of men, arms and Ammunition, and praying Relief therein from this Government, The Council taking the said petition into consideration are of Opinion that if the Treaty made with the Tuscarnro Indians take effect, The petitioners will be relieved without other assistance from this Government which cannot well be afforded at present by reason of the low state of the publick Revenue That since the time for the execution of the said Treaty on the part of the Tuscaruros is so near The Governor of North Carolina be exhorted to assist the petrs with provisions and ammunition to defend their Garrisons till the Event of the said Treaty and that in order to encourage the petitioners to defend themselves a Copy of the said Treaty be sent to the Commanders of the Garrisons in Neuse that they may see what care this Government hath already taken for their Relief and to assure them that further measures will speedily be entered into for quickening the Tuscaruros to perform their engagements, and Mr Farguson and Mr Graves who were deputed by the Inhabitants of Neuse to present the aforesaid petition were called in and acquainted with these Resolutions.

For the better discovery of what preparations the Tuscaruros are making towards executing their part of the Treaty concluded with them It is the opinion of this Board and accordingly Ordered that Mr Peter Poythres be forthwith despatched to the said Indians. That he be allowed to carry with him one horse load of tradeing goods (arms and ammunition excepted) and upon his arrival there give the Indians to understand that the said goods are sent by this Government in pursuance of the treaty to be applyed towards the payment of any Charges they have been at in

redeeming the English Captives or for dischargeing the Rewards promised them for such heads of the Indians Enemy as it is expected they have by this time obtained according to their engagements and that if the said Indians have either obtained any of the English Captives or cutt off any of the enemy, he do accordingly deliver the said goods in satisfaction of the rewards promised them but if not that he have leave to dispose of the said goods for his own benefite. That he have directions to make the strictest examination he can into the designs of the said Tuscaruro Indians, that this Government may be the better able to judge whether they are to be confided in; and that the said Poythres may be the more encouraged to undertake this Journey It is Ordered that upon his Return he be paid for the same and for his former Services out of her Majestys Revenue and that he be then paid for what goods he shall deliver to the said Indians in pursuance of the aforesaid Treaty.

[B. P. R. O. B. T. Va. 58.]

North Carolina—ss.

To the Honble Alexander Spotswood her Majestys Lieutenant & Governor General of Virginia.

The address of the President and Council, the Speaker and Members of the House of Burgesses of the Government of North Carolina.

The great concern which your Honour has always expressed for this distressed Government lays us under the greatest Obligations imaginable We cannot sufficiently make those suitable Returns of Gratitude to your Honour as are truly due to you for your generous care of us when your friendly mediation to compose the unfortunate differences that lately were among us. But when we were more sensibly afflicted by the inhuman barbaritys of the Indians to divers of the inhabitants of this Government to the almost depopulating a whole County, our whole dependence was on the Relief we expected from your Hon^r^ what pains and care your Hon^r^ took for us we are not altogether ignorant of And we take this occasion to return to your Hon^r^ our hearty thanks for the same. We are very sorry that so generous a design as your Honour had formed in our favour should meet with so much difficulty as to render those endeavours at that time for our safety unsuccessfull.

But we are too deeply affected with the Reasons as not to be sensible that it partly proceeded from the misunderstandings among ourselves or

the little hopes or encouragement your Government could have in expectation of a people not seeing their own danger, or at least not affected by it.

We should be unjust to ourselves if we did not own that you even sought our safety before we could well ask your assistance and how diffusive afterwards was your care is fully evident from the scheme you laid to work our deliverance.

Our present Circumstances are such at this time as obliges us to be humble sutors to your Hon^{r} for an auxiliary Force of 200 men with all the dispatch your Honour can possibly send to our assistance the men of this Government so little inured to arms makes us find the great want of Resolutions in them being either too unwilling or too tender for bold service the inconveniency of which can only be repaired by those succours beg'd of your Honour who live under the happy influences of your administration as well as under the strictness of your good discipline.

The great hopes we promise ourselves from this is the unanimous proceedings of this Assembly which raised £4000 by which not only our men but the succors of our neighbors will be provided for.

It is no little satisfaction to find that people are come to a better understanding or at least to a juster sence of their danger and we could promise ourselves in this juncture of time the assistance we pray for as an encouragement to our Resolutions and as a support in that part we are so defective in for the want of them.

We shall not be wanting in representing to the Lords Proprietors the favours we have received from you in the midst of all our difficultys the readiness you have on all occasions expressed in the taking care of her Majestys subjects which proclaims the great Wisdom of her Majesty in the choice of a person of so high merit and that has rendered himself so universally dear to all his neighbours and especially those of this Government.

THO: SNODEN Speak^{r}
FRED: JONES
THO: HARDING
EDW: MOSELEY
JNO: STEPNEY
THO: LUTON
JNO: BYRD.
THO: TAYLOR.
ELAXANDER SPENCE
JOHN HARDY

EDWARD HYDE Prest
JOHN RET
EDWARD SMETHWICK
Wm LINTON
W. LUFMAN
GRAFFENRIED
N CHEVIN
Wm REED
THO: PETERSON

[B. P. R. O. B. T. VIRGINIA. VOL. 41. P. 442.]

COLL: SPOTSWOOD TO THE LORDS OF TRADE.

MAY 8th 1712.

My Lords.

* * * * * * * *

As to the proceedings in settling the Boundaries with Carolina of which your Lordships desire an Account in your letter of the 22nd of November I have writ sundry times to the Governor of that province to appoint Persons for adjusting thereof, but he tells me he has received no directions therein from the Lords Proprietors so that your Lordships will be pleased to consider of some further means to quicken the Proprietors to put a speedy end to this dispute.

We continue still under the apprehension of being attacked by the Indians for notwithstanding the Government of South Carolina sent a body of 700 of their Indians commanded by some officers of that province to the assistance of the People of North Carolina, and that about the latter end of last January they fell upon some Towns of the Tuscaruros with pretty good success. Yet after this first rencounter near 500 of them deserted so that their commander did not find himself in a condition to improve the consternation into which that sudden eruption had put the enemy, and in his next attempt upon one of their Forts he was forced to draw off with considerable loss, however this seasonable succour put new life into the people of that Province and a new assembly being called, passed an Act to raise 4000£ for prosecuting the war against the Indian Enemy and because they could not raise a sufficient body of men in that Province where the Quakers make a great number of the Inhabitants, they made application to me for an assistance of 200 men from this Colony. The apparent danger to which her majestys subjects there were exposed, more especially by the Indians gathering fresh courage upon the repulse they had given the South Carolina Forces, together with the just grounds there appeared to believe that the whole Tuscaruro Nation were confederated with those concerned in the Massacre, not only from their failing to perform any one of the Engagements they had en-

tered into with this Government; but the trifling excuses they made for that failure at their coming in to me in March last, and the discoveries of their intreagues to seduce our Tributary Indians to join with them, were sufficient motives for agreeing to the assistance desired by Carolina as the most probable means to divert the storm from our own Frontiers, so that upon a full debate in two severall Councils, I had the unanimous advice of the whole Council to send 100 men of our Inhabitants and 100 of our Tributary Indians to the assistance of Carolina: And because the Assembly had left me no Fund to answer such an occasion and that there remained nothing in Bank upon the Revenue of 2^{s} ℔ hhd. there was a necessity to defray the Charge of this Expedition out of her Majesty's Revenue of Quit Rents since the necessity was so pressing as would not admit of the Forms of calling an Assembly and the delays incident to their proceedings but it was also agreed to demand of the Government of Carolina to enter into a previous engagement in behalf of the Lords Proprietors, that whatever sum should be employed for this service out of her Maj^{tys} Quit Rents should be refunded by the Lords Proprietors, if her Majesty thought fit to demand it, as being more immediately employed for the protection of their Government. Upon this I proceeded to appoint the Rendevouze of the soldiers, and desired a conference with the Governor of North Carolina for the better carrying on this service, but at my meeting him he told me with great concern, that the Commander sent from South Carolina had without his knowledge clapt up a peace with the Indians upon very unaccountable conditions at a time when he had reduced one of their most considerable Forts to the last Extremity and could not have missed taking it in a few hours, nor of breaking entirely the power of that enemy, if he would have waited the arrival of the succours from hence, and the Force then raising in North Carolina to joyn him. This weakness in the conduct of their affairs together with a more unaccountable obstinacy in the Council of that Province in refusing to submit to her Majestys' Determination the repayment of the mony disbursed here for their assistance or of furnishing so much as Provisions for the Forces sent from hence is as great a discouragement to their Neighbours as tis encouraging to the Heathen who are not such fools as not to perceive their weak efforts in carrying on the war as well as their easiness in making Peace. And it happened very luckily on this occasion, that I had not entered any of the soldiers

of this Government in Pay, before I knew of this event, so that all that expence is saved, and I have now nothing more to think of than the defending our own Frontiers against the inroads of the Tuscaruroes whereas they find themselves in a condition to break this peace, which nobody believes will be long lived.

* * * * * *

My Lords
Your Lordships
most dutiful & most obedient
humble servant
A. SPOTSWOOD.

Virginia. May 8th 1712.

[Council Journal.]

Att a Councill holden at ye house of the Honble Edw^rd^ Hyde Esqr in Chowan on ffriday the ninth day of may A^no^ D^ni^ 1712

Present the Honble Edwd Hyde Esqr Presid^t^ &c

The Honble { Thos Pollock, Nath. Chevin, Thos Boyd, Willm Reed } Esq^rs^ Ld^s^ Prop^trs^ Dep^tys^

The Honble Edwd Hyde Esqr presented to this Board a Comission from his Excellcy the most noble Henry Duke of Beaufort & Pallatine & ye rest of the true and absolute Ld^s^ Prop^trs^ of Carolina under their great Seale bearing Date the 24 day of Jan^ry^ A^no^ D^ni^ 1711–12 thereby Constituteing & appointing him ye Said Edwd Hyde Esqr to be Govr Capt Gen^ll^ Adm^ll^ Comand^r^ in Chiefe of that part of ye province of Carolina that lyes N^o^ & E^t^ of Cape ffeare Called N^o^ Carolina which Comission was read published & Ordered to be recorded And then ye said Edwd Hyde Esqr tooke and Subscribed ye Severall Oathes by Law appointed to be taken for his quallification together with ye Oathes for ye due observation of ye Laws of Trade And then tooke place at ye Board pursuant to ye afs^d^ Comission

Att a Councill holden at ye afs^d^ tyme & place

Present Honble Edwd Hyde Esqr Govr Capt Gen^ll^ Adm^ll^ Com^dr^ in Chiefe

The Honble { Thos Pollock, Nath Chevin, Thos Boyd, Wm Reed } Esq^rs^ Lds prop^trs^ Dep^tys^

The Honble the Govr haveing published his Comission as aboves^{d}

It is ordered that a proclamation Doe Issue out in ye following words (Viz) By the Honble the Govern^{r} & Council a proclamaēon

Whereas the Honble Edwd Hyde Esqr haveing this day duly published a Comission to him directed from his Exeelley the most noble Henry Duke of Beaufort pallatine and ye rest of ye true & absolute L^{ds} prop^{trs} of Carolina under their great Seals bearing Date ye 24th day of Jan^{ry} A^{no} D^{ni} 1711–12 thereby appointed him ye Said Edwd Hyde Esqr to be Govr Capt. Gen^{ll} & Adm^{ll} of N^{o} Carolina and haveing quallifyed himselfe aecordingly—

Wee do therefore by this our proclamation Strietly require and Comand all her Matyes Loveing Subjeets within this Governm^{t} to render their Due obedienee to our Soveraign Lady ye Queen and ye Governm^{t} as it is Established under her by virty of Of ye afs^{d} Comission And wee doe hereby further Deelare all Comissions both millitary and Civill and all proeess now depending in any of ye Courts of Judieature in this Governm^{t} are and shall staud & be in full foree untill farther orders from this Board or from the Honble the Governm^{t} Given under our hands and ye Seale of this Collony this 9th day of May A^{no} D^{ni} 1712

The Honble Co^{ll} Thos Polloek presented to this Board a Deputation under ye hand and Seale of ye right Honble Jno Lord Carteret one of the true and absolute L^{ds} Prop^{trs} of Carolina thereby appointing him ye Said Co^{ll} Thos Pollock to be his Deputy in N^{o} Carolina whieh was read allowed of and Ordered to be reeorded And then ye said Thos Pollock tooke and Subseribed the Severall Oathes by Law—appointed to be taken for his quallifieation and tooke his plaee at ye board accordingly.

The Honble Lieuten^{t} Co^{ll} Thos Boyd presented to this Board a Deputation und^{r} ye hand and Seale of S^{r} ffulwar Skipwith Barr^{t} Guardian to ye Right Honble the Ld Craven One of the true and absolute L^{de} prop^{trs} of Carolina thereby appointing him to be Dep^{ty} to ye Said Ld Craven And ye same was read allowed of & Ordered to reeorded And then ye Said Co^{ll} Thos Boyd tooke and subscribed the severall Oathes by Law appointed to be taken for his quallifieation and tooke his place at ye Board accordingly

Tobias Knight Esqr presented to this Board a Comission from his Excelley the most noble Henry Duke of Beaufort Palatine and the rest of the true and absolute L^{de} prop^{trs} of Carolina thereby appointing him ye Said Tob^{s} Knight to be Sec^{ty} of this Governm^{t} of N^{o} Carolina, And another Comission under ye hand and Seale of the Honble Co^{ll} Robert Quarry Survey^{r} Gen^{ll} of her Matyes Customes in ye Southern district of ye Continent of America thereby appointing him ye Said Tob^{s} Knight to

be Collect^{r} of her Matyes Customes in Corratuck district both which was read allowed of and ordered to be recorded. And then the Said Tobias Knight tooke and subscribed the severall Oathes appointed to be taken for this quallification.

Then this Board adjourned untill to morrow morne 8 of clock

Saturday morne 8 of Clock this Board mett again present *ut Supra*

The Honble the Govr having Comunicated to this Board a Letter from ye Govr of Virg^{a} Conteyneing proposalls made by that Governm^{t} to this for raiseing Stores to Carry on the warr ag^{t} ye Indyans It is ye oppinion of this Board that ye Same be Laid before ye Ass^{bly} att ye next Session for their Consideration

The Honble Edwd Hyde Esqr haveing published a New Comission for this Governm^{t} it is thought fitt that a proclamation Doe Issue out for dissolveing ye present Assembly in ye following words (viz)

By the Honble the Govr & Counceill a proclamation

Whereas this present Assembly stands prorogued by our proclamation to ye 22^{d} day of this Instant may and it being thought fitt for divers weighty reasons that ye same be dissolved Wee doe by this our proclamation Dissolve ye said Assembly and it is hereby dissolved Given under our hands and ye Seale of ye Collony this the 10th day of May A^{no} D^{ni} 1712

Whereas it dos appeare to this Board by divers conenrring Informations that Maj^{r} Gen^{ll} Barnwell has been very remiss in ye Execution of his trust reposed in him by this Governm^{t} ag^{t} ye Indyans It is ordered that if upon Examination he bee found Guilty thereof that a representation thereof be drawn up by this Board & that he be Charged therewith before ye Governm^{t} of So Carolina by Som agent to be sent thither for that purpose

This Board takeing into their Consideration ye Eminent danger the Inhabitants of this Government Still lyes und^{r} from ye Indyans especially those of pamlico and Nuse Wherefore it is ordered by this Board that a Commander and thirty men be constantly kept in ye ffort at Cow-Towne called Hyde ffort untill further order and that ten men be constantly kept at ye Garrison at Mr Readings on pamptieough as a Barrier and Safeguard to ye Inhabitants on and about those two Rivers and that they observe and ffollow Such Instructions and orders as they shall receive from tyme to tyme from ye Honble ye Govern^{r}

This Board takeing to their Serious Consideration ye great want of amunition as well to prosecute ye Warr ag^{t} ye Indyans As to maintayn ye Garrisson appointed for a Safe Guard to ye County of Bath and for as much as ye assemble Cannot possible meet tyme enough to Consult of

and Assent to Such Measures as may be thought fitt to suply ye present necessity therein It is Ordered by this board y^t^ Honble the Gov^or^ be hereby Impowered to make Such Contracts and Agreem^ts^ on behalfe of ye Country wth any person in Virg^a^ or elsewhere as he shall think necessary for amunition & that he make report of his proceedings therein to ye next Ass^bly^ for their Concurrence thereto—

Upon petition of Jno Hardy showing that a tract of Land formerly Granted to Jno Bird on Kesiah river is Lapsed for want of Seating & pray's that ye Same may be granted to him—

Ordered that ye Said petition be refered to ye next Councill

Upon petition of Edwd & Willm̄ Bird showing that a tract of Land formerly granted to Jno Bird upon Cashoke is lapsed for want of Seateing and pray's ye Same may be granted to them

Ordered the ye Said Land be granted to ye Said petition^rs^ as pray'd By Order of Govr & Councill

T KNIGHT Sec^ty

INSTRUCTIONS FOR Y^e^ HON^ble^ EDW^d^ HYDE ESQ^r^ GOVERN^r^ OF NORTH CAROLINA

You are with our Council to consider how ye trade of y^t^ part of our Province committed to your Care may be by the most proper and legall means promoted and advanced & how the severall usefull & Profitable manufactures already settled in y^t^ s^d^ part of our Province may be further improved & how & in what manner new & profitable manufactures may be introduced and you are also to consider of the best and & most effectual means to Establish ȳ^e^ ffishery of our s^d^ Province & what Encouragem^t^ is proper for us to give to increase the same

You are from time to time to make a representation touching ye premises to us as ye nature of the business shall require which s^d^ representations are to be in writings & are to be signed by you & ye major part of the Councill

You are to take care y^t^ all acts of assbly y^t^ have been confirm'd by us or our Predecessors be fairly wrote out and transmitted to us, by ye first opportunity & you are to examine into & weigh such acts of Assblys as shall from time to time be sent or transmitted hither for our approbation & to set down & represent as afs^d^ the misfortune & mischief thereof to her Maj^y^ Imperial Crown of Great Britain to our Province its self or to our Jurisdiction & power Granted to us by the Royall Charter in Case Such Laws should be confirm'd & Established by us & to consider which matter may be recomended as fit to be passed in ye Assblys there

You are to enquire into & transmitt to us an acc^{t} of all the moneys that have been Given for Publick uses by ye Assblys in Our Province & how ye Same are & have been Expended or laid out & what Persons do & how & by whom they are Impowered to Receive the same

You are by & with the advice & Consent of any four or more of our Dep^{tys} to adjourn, prorogue & Dissolve the General Assblys as often as you shall think requisite so to do And that there may be no Interuption or Delay in matters of Prosecution and Execution of Justice in our Courts of Judicature within our s^{d} Province by the Death or removal of any of our Officers Employ'd therein untill we can be advised thereof (which advice you are to transmitt to us ye first oppertunity) you are to appoint others to Succeed in there places, & you shall make Choice of Persons of known Loyalty Experience Diligence & Fidelity to be Employ'd for the purposes afo^{d} untill you shall have our approbation of y^{m} or Nomination of others from hence

You are wth ye assistance of Anthony Stafford our present Receiver Gen^{ll} to take and inspect the acco^{tt} of Col^{tr} Thos Cary who has rec^{d} several of chief Rents & other our money for the perchase of our Land in y^{t} part of our Province under your Care, after you have audited and approved ye Same To attest ye acco^{ts} according to ye form Given to proceeding Gov^{rs} & such money as shall be received for ye balance of Such acco^{ts} you are to take particular Care y^{t} it be transmitted to us with what Convenient Speed you Can, according as shall be directed by us

You are to take great care y^{t} the Indians be not abused & Justice be duly administered to y^{m} in our Courts & y^{t} you Endeavor your utmost to Create a firm friendsp with y^{m} & bring them over to your part for your better Protection & Defence against the Enemy (the neighboring French & Spanyards) against whom you are to Protect our s^{d} Province & wee assure your of our utmost assistance for your Security

You are to transmitt to us as soon as you Can Conveniently get it handsomely transcribed a full & Exact acco^{t} of our Yearly Rents what they may amount to in the whole & the particular men from whom due & what from each man also what has been received by whom and how apply'd & what Land to whom & for what sold

You are to take care that all persons may be admitted to Peruse ye Publick Records of our Province provided they make such Perusal in the place where the same are Constantly kept & pay the Customary & usual Fees

Whereas it Did plainly appear to Us that very great abuses have been Committed in our Province of Carolina by Exorbitant & illegal Grants of Land made to several Persons far Exceeding & Contrary to our In-

structions given upon that acco^{tt} Whereupon we thought it proper to Prohibit all sales or Grants of Land except Such as should be made at our Board y^{t} at your Instance & we being willing to give all due encouragem^{t} to such planters as shall come to settle there we have Consented that any person During the term of seven year's next ensueing ye date hereof may within that part of our Province that is under your Care perchase any small Quantity of Land not Exceeding 640 acres Paying the purchase money to our Receiver Gen^{ll} at ye rate of 20^{s} Sterling for each 100 acres and reserving 10^{d} Sterling of Great Brittian Yearly quitt-rent of every hundred acres to us the L^{ds} prop^{trs} & Our Heirs for the same

We do recomend to you in the most particular manner ye Considerations of the late Troubles & we are very sorry that you was Compelled to make use of Violent means towards the support of ye Govenm^{t} we hope that all animosity is by this time Extinguish'd and ye best way to keep Quiet is to show all Gentleness to those that were deluded and as Little Severity to those who more deeply concern'd in these Disorders as is Consistant with Law & Justice It must of necessity have happened y^{t} during those Commotions Some unfortunate Persons have suffer'd much in their Estates we desire y^{t} Restitution may be made if its possible to the full but if that cannot be as far as you can & that you send us as Exact an Estimate as you Can make of the sufferings of the People whom we shall always Protect to the utmost of our Power while they preserve the Alegance to the Queen & their Duty to us ye true and absolute Lords who represent her Maj^{ty} we further enjoyn You to send over to us all the evidence that can be of any use towards our Information that we may be able to lay an accurate acco^{t} of what has happen'd before the Queen if her Maj^{ty} shall require it of us

And lastly we do require You our s^{d} Govr to Execute and perform all other things necessary and proper for Answering our Instructions in the premises & which shall or may tend to y^{e} good Govrm^{t} of our Province afs^{d}

Given under our hand & Seal at Craven House this 24th day of Jan^{ry} Anno Dōni $17\frac{11}{12}$

J MANLEY for y^{e} Duke of Beaufort (×)

FULWAR SKIPWITH fr Ld Craven (×)

CARTERET (×)

M ASHLEY (×)

J COLLETON (×)

[B. P. R. O. B. T. Virginia. Vol: 13. O. 127—Extracts.]

COLONEL SPOTSWOOD TO THE BOARD OF TRADE

Virginia May 15th 1712.

My Lords,

Having in my letter of the 8th of this month inform'd your Lordships of my application's to the Governor of North Carolina to appoint Commissioners for setling the Boundarys, and the constant answer he made of his want of directions from the Proprietors, I take this opportunity to acquaint your Lordships that I have since seen his Instructions sent lately with his Commission, but do not find the least mention of the Boundarys, no more than if such a controversy had never been depending.

I cannnot ommitt observing to your Lordships one thing in those Instructions, which is like to prove very prejudicial to this Colony, and that is, a power given by the Lords Proprietors for the space of seven years to dispose of their Lands, at the rate of Twenty shillings each thousand acres for the first purchase, and twelve pence Quitt rent yearly for every hundred (which is but one-fifth of what is paid here for obtaining Rights to take up the Queen's land, and one half of the yearly quitt rent payable to her Majesty for the same) and without any obligation on the Patentees there to seat or cultivate. The publication of such a privilege has already wrought so much on the people here, that great numbers are flocking to that Province, to take up land, and there's no doubt many more will follow upon the prospect of having what Tracts they please on such easy terms.

This excursion of the People into North Carolina as well as into the lands of the other neighbouring Proprietors will be very much furthered by a general opinion lately revived, that there are gold and silver Mines in these parts towards the mountains; and because in the Grants to the Proprietors, the share of the Crown in Royal Mines is ascertained, and no such Declaration made for those found in the Lands held immediately of her Majesty, people propose to themselves a greater advantage by seeking after them in the former. For this reason, I'm told, some persons who heretofore had, or fancyed they had made such discoverys here, were discouraged to prosecute them, and dyed with the secret. But now that the same opinion is revived, and the humor of making discoverys become more universal I humbly offer it to your Lordships consideration whether so great a profitt as may redound from the discovering

and working such Mines ought to be lost for want of a Declaration what share her Majesty expects out of them. I find by the Grant to the Company that first settled this Colony the Crown reserved the fifth part of all silver and gold Mines, and that accordingly the ancient Patents express the same. Since the dissolution of that Company that the soil reverted to the Crown, the Patents conveyed to the Patentees of the land, a due share of all Mines and Minerals; but what that share is has never yet been determined. And in the Act of Assembly concerning the granting of Lands pass'd in the year 1706 (but now repealed) the former of the Patents there established, gave entirely to the Patentee all Mines and Minerals without any Reservation, and tho your Lordships made some alterations in the draught of the Bill before it passed here into a Law, yet I don't find that part of it was questioned or altered, and some Patents granted by my Predecessors while that Law was in force, have the same clause in them. But upon the Repeal of that Act I altered the form of the Patents in this Particular and made them conformable to the former vizt by granting with the Land only (a due share of all Mines &c) believing that share ought most properly to be determined by the Crown. Wherefore I hope your Lords^{ps} will be pleased to move her Majesty for a speedy Declaration what share is expected if any royal mines are found in the Lands already patented under her Majesty's Grant; and whether if any such be discovered on lands not yet patented I ought to grant those Lands to any private person who makes the discovery? The ascertaining this will encourage people to make discoverys on the Queen's Land and if found will keep them where they may bring more profitt to the Crown, than by running on the like projects in the lands of any of the neighboring Proprietors; and since by the Charter to the Proprietors of the Northern neck there is only reserved to the Crown the fifth of all gold and tenth of all silver Oar, Your Lordships will not I hope think it unreasonable to propose to her Majesty, that for the encouragement of her Majesty's more immediate Tenants in the other parts of this Colony, no greater proportion be demanded of them. I am the more desirous of some speedy directions herein, because I have great reason to believe there are Mines lately discovered here, and I would willingly promote as far as I am able any thing that may be for the service of her Majesty and the good of this Country. It is like some of these mountains may bring forth only such imaginary Oar as I find some people heretofore have busyed themselves about, and that others may prove such barren ones as not to countervail the charge of working, Yet tis also possible that the earth in this part

of the Continent may partake of the same mineral qualities with that of the more southern climates, and that the dillegence of inquisitive or fanciful men may in the end prove of very great consequence both to the sovereign and subject.

* * * *

* * * *

with all due respect

My Lords
Your Lordships
Most dutiful and most
Obedient Humble Servant

A. SPOTSWOOD.

(Endorsed)
Rec^{d} Septr 15th } 171$\frac{2}{3}$
Read Feb^{ry} 26th }

[From N. C. Letter Book. S. P. G.]

Mr HYDE TO Mr RAINSFORD—EXTRACT

Chowan May 30th 1712

Revd Sir

I have the honor of My Lord of Londons letter with the favor of yours by Mr Pugh I am very much obliged to you for so early acquainting me with your arrival and heartily congratulate you upon that and the Mission you come about. I wish with all my heart the country was in such a State as will give you no reason to repent so long a voyage: and I hope it will not, for as the work you come about is of so a essential nature so I doubt not but God will prosper you and your endeavour, and the people learn to do their duty I will assure you there shall be nothing wanting in me to render everything to you as easy as possible nor would I have you to be the least discouraged by any misrepresentations you may receive (this under the Rose) from Mr Urmstone which will be very loud and complaining but I will be free to tell you that all or the greater part of it is purely owing to himself & his unfortunate Temper which no ways suits with the humors of the natural born people of America (this is a caution). When you favor me with your company I shall give you a faithful account of the observations I have made of the people here and the method that will gain them for they are not to be won by

any thing but gentle methods to what is serious and devout and moral and poor Mr Urmstones railing and morose temper has lost them all in general I have received and am fully satisfied with your credentials which I have returned you back and please myself with the thoughts that a little time will settle this Country more to your satisfaction and mine notwithstanding all the trouble I have met with in it. I have cut off and took prisoners betwixt 3 or 400 Indian Enemies and am in hopes in a little time to have matters so ripe as to have a treaty of a general peace set on foot. It is indeed by nature one of the best countrys in the world, tho' the people are naturally loose & wicked obstinate and rebellious crafty and deceitful and study to invent slander on one another and sow such seeds of seditions that they have generally reaped them in the plentiful crops of Rebellion.

And now sir give me leave to give you an invitation to my house; where you shall be most welcome as long as ever you please: nor shall you have the occasion to complain of the country as Mr Urmston has unhappily created himself. The times has been so very troublesome that I have the more pitied Mr Urmstone, because the situation of his abode is such as I have not been able to accomodate him with such conveniencys as otherwise I would have done. But should he complain of me in that respect, I will assure you it is groundless, I have often offered Let him send a canoe & hands & I would supply him. Nay would pay a canoe and hands would he but procure them—

I am Revd Sir &c
EDWARD HYDE

[From N. C. Letter Book. S. P. G.]

Mr URMSTON TO JOHN CHAMBERLAINE ESQ

On board the Bayly on James River
Virginia Captn Harvey Commander
May 30th 1712

Sir

Our Colony is still in great confusion & God knows how the War with the Indians will end tis next to a miracle we are not all cut off [by] them hostilities have been very violent on both sides and if not assisted by neighboring Governments we shall not be able to withstand them here's so great scarcity of provisions yet it is to be feared many will perish for want of food I and my poor family will be the first You'll scarce

believe me but I assure you *Verbo Sacerdotis* we have suffered much by hunger we found it the hardest thing in the world to keep soul and body together We can not do it long so that I intend to come for England God willing ℔ the next fleet the Country owes me about £100 already and the longer I stay the worse it will be great poverty and heavy taxes I cannot get a penny out I have had no supply from England never since I came into these parts they who shall collect the dues here say they cannot tis not to be had one of them told me he would not give 12^{d} in the pound for it how can it then be expected I should continue here & will be impossible to winter here tis a good time for us as well as Indians and Hoggs while fruit is on the trees that was last summer one mean dependence tho' with the hazard of our Lives by eating of trash I was afflicted with a violent flux for the space of 11 weeks I thought I should have died I have told you so much of my misfortunes in former Letters that I need not add depend on't they are worse than ever without any prospect of amendment I recommend myself to the prayers of all the pious members of the Honble Society and am

Sir your most humble Servt
JOHN URMSTON

[Council Journal.]

North Carolina ss

Att a Councill holden at ye Dwelling house of Honble Edwd Hyde Esqr in Chowan on Monday the 2^{d} day of June A^{no} D^{ni} 1712

Present The Honble Edwd Hyde Esqr Govr Capt Gen^{ll} Adm^{ll} &c

The Honble { Thos Pollock, Nath Chevin, Thos Boyd, Wm Reed, Thos Peterson } Esq^{rs} L^{ds} prop^{ts} Dep^{tys}

The Honble the Govr haveing represented to this Board that there is a necessity of Sending Some person as an Agent on behalfe of this Governm^{t} to ye Governm^{t} of South Carolina in order to represent ye present State of ye Warr ag^{t} ye Indyans in this Governm^{t} and ye late Managem^{t} as also to suplicate that Governm^{t} for farther aid to Carry on ye said Warr.

Ordered that Mr James Foster be appointed to goe to South Carolina to performe ye said Agency and that a Suffiecent Sum̃e of money be raised for defraying his Charges therein.

Ordered that ye petition of Aaron Blanchard and others be referred to ye next Councill and that then ye Order for laying out ye Chowan Indian Land be brought

Upon the petition of the Honble Co^ll^ Thos Pollock Shewing that a Tract of Land on Nuse River Called Wilkison's point is Lapsed for want of Seateing and prays that ye Same may be Granted to him

Ordered that ye Same granted as praid for

Upon petition of Jacob Hardy that a tract of Land formerly pattented by Jno Hardy lyeing between Capt West and Sam^ll^ Edmunds Lines be granted to him being Lapsed for want of Seateing

Ordered that ye Same be granted as pray'd for

Then the Board adjourned till tomorrow morne 9 of Clock

Tusday morne June ye 3^d^ this Board mett present *ut Supra*

Upon petition of Jno Lillington Setting forth that two of ye Horses lately brought in by ye Indyan Blount are his and praying an order of this Board for ye Same

Ordered that ye Said Jno Lillington receive and take ye said Horses or either of them wherever to be found he makeing it appeare that they doe of right belong to him

Ordered that Capt Jno Mitchell be permitted to Carry out of this Governm^t^ Soe much Wheat as he shall purchase of Capt Thos Lee for necessary Supplys ag^t^ ye Gen^ll^ Court & noe more he paying ye Duty Imposed on ye Same

Then this Board Adjourned till Thursday morne 9 of Clock

This Board mett again present *ut Supra*

Ordered that Twenty men be forthw^th^ raised & Imploy'd in two large Canoes to Cruize in pamplico & Core Sounds in order to Supress a party of Indyans which we are Informed doe harbor in and about those Sounds

Mr Wm Maule being appointed by a fformer Order of this board to Inspect a Tract of Land on Kesiah river formerly pattented to Jno Bird to whether ye same had ever been Settled according to Law And he haveing reported ye negative It is Ordered by this Board that ye said Land be Granted Jno Hardy persuant to his former petition for that purpose

By Ord^r^ of ye Counceill

T KNIGHT Sec^try

[COUNCIL JOURNAL—CONTINUED.]

CRAVEN HOUSE June 5th 1712

To Daniell Richardson Esqr
Receiver Genl of No Carolina
in America

Sr

Your are to take ye direction & advice of two or more of ye Lds propts Deputys for ye time being to what place and to whome Such Goods & Comodity which you shall receive to their Ldsps use shall be sent & Consigned Allways taking ye first oppertunity of shipping them off and giving Instructions along wth them that such goods as shall be sent to New England the returnes theirof shall be made in peeces of Eight or Christian or Arabian Gold All Goods sent to Virga the returnes must be in bills of Excha. All goods sent to Jamaica in peices of Eight to South Carolina in Rice to Barbadoes or any of ye Leeward Islands in Muscaved Sugar to any other Ports in as convenient a comodity as may be procured there all which returnes upon ye Lds Propts accot must be sent away by ye first oppertunity and Consigned to Mr Jno Danson Mercht in London Bills of Ladeing are constantly to be sent therewith and advice must be given to ye Lps Propts of ye same

By their Lordshipps
Special Comand
R. SHELTON

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 129.]

N° 8

VIRGINIA PROCLAMATION

10th day of June 1712

By her Majties Lieutt: Govr and Commander in Chief of this Dominion—

A Proclamation prohibiting the taking up or Seating any Lands within the bounds in Dispute between this Colony and the Province of North Carolina.

Whereas I have received Information that Notwithstanding the severall Proclamations and other orders heretofore Published Restraining

the taking up any Lands within the Controverted Bounds between this Colony and Carolina Diverse Inhabitants of this Colony have lately taken up and Entred with the officers of Carolina for Sundry Tracts of Land between Maherine and Roanoak Rivers moved by an Imagination that Possession of Lands within the said Bounds under Surveys or Grants from the Government of North Carolina will be sufficient to secure their Title thereto altho the said Lands be afterwards adjudged to belong to her Majtie To the End therefore that no Person may be imposed on or Deceive themselves by such a Specious pretence I have thought fitt by and with the Advice of her Majties Council to Issue this Proclamation hereby Publishing and Declareing that her Majtie by order in her Privy Counell the first of March 1710 hath Expressly forbidd any Surveys or Grants to be made either by this Government or that of Carolina of any Lands within the bounds in Dispute untill the same be finally Determined And I Do in pursuance of her Majties said Commands require all her Majties subjects within this Colony to forbear Entring for Seating on or Taking out Patents for any Lands within the bounds in Dispute untill the finall Determination thereon in the Manner her Majtie hath prescribed Certifying such as Shall Act Contrary to her Majtie Commands in the premises that if the Lands So by them Entred Seated or Patented do fall within this Colony they shall not only lose all Benefitt of the said Entrys or Grants but also of the Rights upon which they have obtained the same and that the said Lands with all and every the Improvemts made thereon shall be Granted to any other of her Majties Subjects desireing the same That have Given a due Obedience to her Majties Commands and the orders of this Governmt Issued thereupon And I do require the Sherifs of the severall Countys to Cause this Proclamation to be Read and Published at the Court houses of their Respective Countys Given under my hand and the seale of the Colony this 10th day of June 1712 In the 11th Year of her Majties Reign

A. SPOTSWOOD.

God save the Queen.

(Endorsed)

Referrd to in Coll Spotswood's Lre of 26th July 1712

Recd Sept 19th
Read Feb 26th } 1712

[Council Journal.]

North Carolina ss

Att a Council holden at ye house of Capt Jno Hecklefield in Little river on Thursday July 4th 1712

Present. The Hon^blo^ Edwd Hyde Esqr
Govr Capt Gen^ll^ Adm^ll^ &c

The Hon^lbes^ { Thos Pollock, Nath Chevin, Wm Reed, Thos Peterson } Esqr L^ds^ prop^trs^ Dep^tys^

Francis Tomes & Joshua Tomes Exec^trs^ of ye Last Will & Testam^t^ of Francis Tomes dec'd Came & presented this Board ye last Will & Testam^t^ of s^d^ ffrancis & proved ye Same by ye Solemn affirmation of Wm Bogue & Mathew Albertson & pray'd probat of ye Same

Ordered that probat of ye Said Will be granted as pray'd

Upon petition of Wm Maule and Jno Councill showing, that three Tracts of Land formerly patented by Charles Gee upon ye Northside of Morattock River is Lapsed for want of Seating and prays that the same may be granted to them

Ordered that ye Same be Granted to ye petition^rs^ as pray'd

Upon petition of Mathew Midgett praying that he may be allowed ffifty pounds persuant to proclamation for aprehending Eman^ll^ Low which is to be allowed out of his Estate if Convict

Emannell Low being aprehended & brought before this Board for Stirring up Sedition & Rebellion ag^t^ this Governm^t^ and endervouring to Subvert ye Same, Was Committed to Custody of ye Provost Marshall therefor

Then this Board Adjourned till tomorrow morne 9 of Clock

ffriday Morne at 9 of Clock this Board met again & present *ut Supra*

Upon petition of Jno Davis praying an ord^r^ of Councill for the Division of ye Land between him & Thos Boswell and it appearing to this Board that ye Said Jno Davis hath a right to divide ye Same

Ordered that ye Said Land be divided accordingly

Upon petition of Beija Raymand (being Sumonsed to appeare before this Board to answ^r^ to divers matters lay'd to his charge) pray's to be dismissed and there appeareing noe evidence ag^t^ him

Ordered that ye Said Benja Raymand be forthwith dismissed paying ffees—

Then this Board adjourned till Saturday July 12th

Saturday morne July 12th this Board met againe present *ut Supra*

Upon Petition of Wm Vaughan Setting forth that whereas he stands bound over to ye Genll Court to answr to Such matters as shall be objected agt him and haveing divers tymes made his appeareance thereto pray's to be discharged from ye same and that he may have Liberty to depart this Governmt about his nessary Imploymt And this Board haveing taken ye same into their Consideration and finding that said Vaughan hath well Behaved himselfe since ye Giveing of the Said Bond It is ordered by this Board that ye said Vaughan be and is hereby discharged from ye said Bond and all penaltys therein Contayned And that he have Liberty to depart this Governmt persuant to his sd Petition—

Upon Petition of Doctor Godfry Spruell showing that a tract of Land which he formerly purchas'd of Majr Genll Pollock is not rightly Survey'd and therefore pray's an ordr of this Board to make a new Survey on ye Same

Ordered that ye Said Godfry Spruell have Liberty to Survey ye Said Land over againe And make returns thereof into ye Sectrys Office—

Whereas the Lds proptrs to Encourage ye Speedy Setlemt of this Country have granted to each person that comes wth designe of Setleing here a right of fifty acres of Land which favor of their Ldsps hath been of Late very much abused by persons being admitted to prove rights for themselves and other who never had ye least designe or intention of setleing in this Governt to ye great abuse of that favor & defrauding the Govrs & Comanders in Cheife of their Just ffees

It is therefore Ordered by this Board that ye precinct Courts for ye future doe allow of noe rights to be proved but of such persons who Come in wth Intention of Setleing afsd And have been resdt at least six monthes And that ye right of noe one person be permitted to be proved more than once and that be in right of ye person himselfe and noe other It is likewise ordered that ye Sectry forthwth Send a Copy of ye above ordr to every precinct Court in this Governmt

Upon a motion made by the Honble Majr Wm Reed praying that Majr James Coles may be ordered to deliver up a Bond of 300£ which the sd Reed was forced to give for his discharge out of ye Said Coles custody being Committed by an ordr of Coll Thos Cary in ye tyme of his usurpation and ye said Coles being called before this Board acknowledged that he had Such a Bond which he was ready to deliver on an ordr of this board

Whereupon it is ordered that ye said Majr Coles doe forthwth deliver ye sd Bond to ye sd Majr Reed as he will answr ye contrary

The Last Will & Testam^{t} of Jno Harris was exhibited before this Board & proved by ye Oathes of Edward Pagett & Mary F Tysor two of ye witnesses thereof And Mr Snoden Atto^{ty} for ye Exec^{trs} pray it may lye before ye Councill untill a Sp^{a} be Issued out for Jno Wells another of ye Evidences thereto for furthur probat thereof

Upon petition of ye Inhabitans of Alligator praying that they may be removed into ye precinct of Pasquotank & noe longer be of ye Precinct of Chowan

Ordered that all ye Lands in & about Alligator & ye Inhabitants thereof Soe far up as ye White Oak Lands where Mathew Midgett now lives be from hence forward Deemed and taken to be in ye Precinct of Pasquotank the Inhabitant thereof paying all Such due Levy's gr^{a} as are now due & engaged for to ye precinct of Chowan

Ordered that ye petition of M^{r} ffred Jones be referred to ye next Gen^{ll} Court

The Honble ye Govern^{r} representing for this Board that there is noe person here to represent the Honble Jno Danson Esqr one of ye L^{ds} Prop^{trs} as his Deputy

Whereupon It is ordered by this Board that Tobias Knight Esqr be & is hereby appointed Deputy to ye said Jno Danson Esqr untill his pleasure be farthur knowne And then ye said Tobias Knight & Subscribed ye severall Oathes by Law appointed to be taken for his qualification & then tooke his place at ye board accordingly ℘ ordered

T KNIGHT Sec^{try}

[From N. C. Letter Book. S. P. G.]

MR RAINSFORD'S LETTER TO JNO CHAMBERLAINE ESQ

Chowan in North Carolina July 25th 1712

Worthy Sir

To give you a description of a 12 weeks passage We had from the Lizard to Virginia with the inconveniences I laboured under in it would but renew in me the melancholy Ideas of what is past as well as trouble you in reading a relation of them I shall therefore proceed to what [relates] immediately to my mission by giving a faithful account of the condition the countrys in at present & what good (with God's fatherly assistance) I may do the Society and people by my continuance among

them June the 5th I arrived at the Governors where I was most kindly received by him as afterwards by Coll Pollock & Squire Duckenfield being the only persons of any note that I could see or hear of on the Shore and as an instance of my duty thought I could not do better than remind 'em at that time of preparing themselves for the receiving of the Sacrament on the then approaching Festival Whit sunday The trifling excuses they made sufficiently satisfied me of the little regard they had to the indispensible obligations that lay on them to so solemn a duty however several of the people came that day to divine Service but perfect strangers to the Method of the Worship of our Church Mr Urmston and I by a mutual agreement with the approbation of the Governor are to manage after this manner He proposes to supply the North Shore at the Lower End of Chowan together with all Paspetanck provided I take care of the West Shore (where there is no Church but a vast track of land to ride over and in every instance very fatiguing) which I promised to do till I hear further from the Society But since the whole Country intitled to my labours I visited his Shore (which I am sorry to say) has been a long time neglected Mr Urmston is lame and says he cannot do now what he formerly has done but this lazy distemper has seized him by what I hear ever since his coming to the Country I shall give you a faithful account of his proceedings and management as I desire he may do of mine the either of us according to the merit or demerit of our performance may be valued or disesteemed by the Society there's a small Chapel near an Old Indian Town where I preached at June 15th had vast Crowds come to hear me but I observed they exprest very little or rather no devotion in time of divine Service. That day and the day following I baptized 17 children 4 of them 11 years old nine of them 6 and the other 4—three and when I told Mr Urmston of the neglect he excused himself by saying he never had notice of their having children there unbaptized June 22nd I preached at on Mr Garrats the upper end of Chowan but had such numbers that I was obliged to go under a large mulberry tree where most of the people to my great satisfaction seemed very devout the whole time of service and very ready in their responses as in their method of singing praises to God Here I baptized two Girls of the age of 16 and one boy of ten Children of one Mr Adams and by much importunity prevailed on Mr Martin to let me baptize three of his Negro's two women and a boy all the Arguments I could make use of would scarce effect it till Bishop Fleetwoods sermon preached before the Society turned the scale and when ever I baptized there I distributed a share of the small parcel of books Old Mr Saunders of Curahuk who has Mr Adams' books refuses to deliver 'em unless I promise

to settle and entirely fix there which I told him I could no way do to neglect the greatest part of the country to serve there but I promised him as much of my time as I could possibly spare to that district many of the books he tells me too are lost and he pretends a claim to keep 'em and a Watch by virtue of a debt contracted by Mr Adams in his life time I had several conferences with one Thomas Hoyle King of the Chowan Indians who seem very inclinable to embrace Christianity and proposes to send his son to school to Sarum to have him taught to read and write by way of foundation in order to a further proficiency for the reception of Christianity I readily offered my service to instruct him myself and having the opportunity of sending him to Mr Garratts where I lodge being but three miles distance from his Town. But he modestly declined it for the present till a general peace was concluded between the Indians and Christians I found he had some notions of Noahs flood which he came to the knowledge of and exprest himselfe after this manner—My father told me I tell my Son But I hope in a little time to give the Society a better account of him as well as of those peaceable Indians under his Command Theres one Mr Mashburn who keeps a school at Sarum on the frontiers of Virginia between the two Governments and neighbouring upon 2 Indian Towns who I find by him highly deserve encouragement and could heartily wish the Society would take it into consideration and be pleased to allow him a Salary for the good services he has done and may do for the future. What children he has under his care can both write and read very distinctly and gave before me such an account of the grounds and principles of the Christian religion that strangely surprised me to hear it. The man upon a small income would teach the Indian Children gratis (whose parents are willing to send them could they but pay for their schooling) as he would those of our English families had he but a fixed dependency for so doing and what advantage would this be to private families in particular and whole Colony in general is easy to determine, Since my coming in the country (I thank God) I have had my health perfectly well and during the continuance of it shall be indefatigable in the discharge of that great trust that is reposed in me observing at the same time the Societys method of writing over every six months with an Account of the services I have done and what larger advance I have made to the furtherance of Religion & enlargement of Christs Kingdom—As for the eating part I have fared but very indifferently since my arrival in the Country and find for the future must with Virgils Shepherd be satisfied with my Mitra poma castaneas nuces—and as ordinary as I am like to live must give twenty pounds yearly for my board I was

in hopes the Assembly would take care to provide me my table free but the Country's so poor that I can expect nothing of that nature from 'em I desire Sir You'll think of me the next general meeting that I may have an order for my £10 worth of books which I'll take care to send one to wait on you for them Dr. Brays public library is all dispersed and lost by those wretches that don't consider the benefit of so valuable a gift I cannot forget the uncommon civility that was shown me on my first landing at Hampton in Virginia by one Mr. Kearney a Merchant of that place He was a perfect stranger to me yet showed his great readiness to supply me with money to buy me a horse and to transport my goods for Carolina and had any thing else been wanting he would have furnished me and only as he told me for this great consideration of setting forwards a good work and serving the Society It has one way or the other cost me £20 in the Country and been expensive beyond imagination I presume you are no stranger to the Indian War which has some time since begun and continues in the barbarous Massacres of so Many English Inhabitants Most families of Pamlico hourly feeling the effects of their Cruelty nor truly can the Govr promise himself one hours safety being continually alarmed by the Tuskarora Spies in his own Quarters Col^{l} Boyde was the other day sent out with a party against the Indians but was unfortunately shot through the head and few of his men came home but what shared in his fate and fell sacrifices to the same common misfortune—They sculck so in parties in the Woods that common prudence obliges the inhabitants (as the surest method of preservation) to keep to their plantations and several of them told me that when they lie down in their beds (they are so often invaded) that they cant say they shall rise morning Assistance is sent for to Ashley River and Col^{l} Hyde flatters us with the hopes of either cutting 'em off or obliging 'em to a peace But alas I fear all this without reason The people are so impoverished by the War that I wonder how they pay their quit rents to the proprietors I am sure it would be highly Charitable in the Lords to forgive them for these ten years to come I like the Country far better than any I have hitherto seen and certainly by nature tis one of the best in the world and were but the Inhabitants freed from the dangers of the War they might enjoy the blessings of plenty as well as all other comforts of life This is a genuine Account of what I have done and observed in North Carolina and shall take all opportunities of serving the Society (as I'm in duty bound) to the utmost of my power as well as expressing my gratitude to you for the many undeserved favors confer'd on

Sir Your most obliged faithful humble Servt

G. RAINSFORD.

[B. P. R. O. B. T. Virginia. Vol. 13. O. 128—Extracts.]

COLONEL SPOTSWOOD TO THE BOARD OF TRADE.

Virginia July the 26th 1712.

My Lords,

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It is with very great concern that I find myself still obliged to represent to your Lordships the unhappy situation of affairs in the neighbouring Province of North Carolina; for since the hasty peace concluded with the Indians (of which I gave your Lordships an account in my last) the forces sent from South Carolina are returned home, and the Indians have committed two fresh massacres, and it is not likely they will stop there, if there be truth in what one of their Chiefs concerned in the first massacre hath lately confessed at his execution, that the senequas have promised them a powerful assistance by the latter end of next month, who are in their way to fall on some of the Tributary Indians on our Frontiers, and what seems to confirm this is the account I have just now seen in a letter from the Secretary of New York to the Governor of North Carolina, that the French have been very active to persuade the Senequas to join the Tuscaruros, and it is to be feared prevailed with them. The conduct of the Government of North Carolina from the beginning of this Indian war has been so unaccountably irregular, that it has rendered all the measures I was willing to enter into for their assistance ineffectual, and I hope when I have mentioned a few instances thereof, your Lordships will not judge me only an idle spectator of the miserys of my Fellow subjects. For first, when I had engaged our Assembly to vote a considerable supply for the succour of that Province, their Assembly which was then sitting, instead of acting in concert with ours, fell into such heats among themselves, because they could not oblige the Governor to admitt into their former offices, the most notorious fomenters of the late rebellion, that they would take no measures against the common enemy: and to this behaviour of theirs may in a great measure be attributed that of our burgesses, who fell from their first resolutions and could not thereafter be prevailed upon to give assistance to a people so wanting to themselves. Next, when I had by a solemn Treaty made in the presence of our Assembly, engaged the upper towns of the Tuscaruros to join in cutting off those concerned in the massacre, and had communicated the same to the Governor of North Carolina. That

Government instead of concurring with me in the stipulations that provided solely for their succour, and the relief of their captives; rather chose to denounce war against all the towns in general, and without waiting to see whether those upper Towns would perform any of their engagements, they immediately fell upon those very people who (how little soever they designed to execute their promises) hereupon argued that we had violated ours. And lastly (for I will not trouble your Lordships with all the instances I could give) When their whole Assembly joined in an Address to me last spring, beging an aid of 200 men for the better carrying on the War and in that address told me that they had raised £4000 whereby the succours sent from hence would be provided for. I thereupon made extraordinary efforts to assist them with 200 white men and Indians as your Lordships will observe in the Journal of the Council the 24th of April last and accordingly directed the Rendevouze of those Forces on the 10th of May; yet upon my meeting the Governor of North Carolina to adjust certain preliminarys for the better carrying on the service and the subsistance of the Troops, I found that Government never intended to furnish so much as provisions or be at any manner of expence for them but on the Contrary had laid 10 ℔ cent on all the provisions carryed into that Country, so that the Forces sent to their assistance must not only be paid and subsisted at the Charge of this Government, but must also pay a duty for the victuals they eat, while they were imploy'd in the defence of that Country; and besides this I found the Commander of their Forces had of his own head, clapt up a peace with the Indians upon very odd and unaccountable Conditions, which nobody expected to last long, and it seems he did not intend it should; for he soon after surprized some towns, and carryed off a great many captives of those who looked upon themselves as secure under the Treaty he had made with them, and by that means he has entailed a new War on the people of North Carolina in which he was resolved to have no share, having imediately after set sail with his prisoners to South Carolina, and the two Massacres I have abovementioned have been the imediate consequences of this Mr Barnwells Treachery. These irregular proceedings, both discourage and disable me from assisting the unfortunate People of that Province, who must be forced to abandon all their settlements on Neuse and Pamplico Rivers and thereby encourage the Heathen to further attempts both on the other parts of that Country, and on our Frontiers: and I must sitt down under the mortifications of seeing myself unable to protect her Majesty's subjects, untill a nearer approach of danger convinces the people of this Colony of their error in not making

timely provision to hinder the growing power of the Heathen, and alarms both Countrys to act more vigorously for their mutual defence. It was but the other day that a party of the Tuscaruros killed 3 and wounded two Nottoway Indians our Tributarys as they were hunting near our Inhabitants, which seems only a prelude to what we may expect after their conjunction with the Senequas.

I understand by some traders lately come from South Carolina that they make great clamours there, as if our Indian traders had assisted the Tuscaruros with ammunition; but I'm persuaded your Lordships will find enough on the Council Journals since September last, to refute that report, and to satisfy your Lordships that this Government hath taken all imaginable care to prevent any such Commerce.

Your Lordships will observe by our Journals that even the trade with the western Indians has been shutt up ever since last October, out of consideration for the province of North Carolina, but finding that trade still carried on by the people of South Carolina, and that those Indians have no correspondence with the Tuscaruros I have again by advice of the Council, opened the same for our Inhabitants, lest it should be lost to us, and the Indians obliged to sue to the French for those supplys which South Carolina can't furnish them, but still with this precaution of taking 300 bond of every one of our Traders, not to trade with, nor go near the Tuscaruros or any other Nation in Alliance with them. The nations with whom this Trade is carry'd on live severall hundred miles from the Tuscaruros. And as our Traders assure me they must travel at least fifteen hundred miles to come at the most considerable of them who live on the back of the mountains in the latitude of Virginia If this be true (which I shall know more certainly at the return of our Traders to whome I have given directions to make observations of the latitude) your Lordships will no doubt think it still more unreasonable, that the Carolina men should impose dutys and seize the goods of her Majesty's subjects for barely passing through this Country.

Since my last I have had the honour of your Lordships of the 1st of February $17\frac{11}{12}$ and shall always rejoice when any part of my administration is acceptable to your Lordships.

I am with all due respect

My Lord,

Your Lordships

Most dutifull and most

Obedient Humble Servant.

A. SPOTSWOOD.

[Council Journal.]

North Carolina—ss

Att a Councill holden at y^e^ house of Capt Thos Lee in Chowan on ye 31st day of July A^no^ D^ni^ 1712

Present Honble Edwd Hyde Esqr Govr Capt Gen^ll^ Adm^ll^ &c

The Honble { Thos Pollock, Nath Chevin, Thos Peterson, T Knight } Esq^ty^ L^ds^ prop^trs^ Dep^t

A Proclamation for ye pardening ye Severall persons Concerned in ye late Rebellions wth Co^ll^ Cary & for discharging Such as had given Bonds for their appearanee at ye next Gen^ll^ Court Except ye s^d^ Cary Eman^ll^ Low Jno Porter Edm^d^ Porter & Wm Tillett was Issued out & published under ye Great Seale of ye Collony

Upon Petition of Jonathan Jeycocks admin^tr^ of ye Goods & Chatles of William Wallis Dec'd setting forth that William Wallis an infant Eldest Sone of ye afs^d^ W^m^ is at present with him & and under his Care & he haveing likewise ye afs^d^ Infants Estate pray's he may be admitted Guardian to said Infant—

Ordered that ye Said Jonathan Jeycocks be and is hereby admitted Guardian to ye Said Wm Wallis untill he be of age himselfe to Chuse his guardian.

Upon petition of Capt ffred Jones shewing that a tract of Land formerly granted Isaac Willson by pattent bearing Date 22^d^ day of May 1694 Conteyneing 490 Acres lyeing in perquimons preeinct is lapsed for want of Seating in Due time and humbly prays ye Same may be granted to him

Ordered that ye Said Land be Granted to ye Said ffred Jones as pray'd for

Upon Petition of Joseph Callio an Inhabitant of Nuse Showing that he and one Peter ffoundgill was seized of a tract of Land Conteyneing six hundred & fforty Acres Sienate on Bats's Creek in Nuse river as Joint Tenants and that ye Indyans have Killed ye Said ffoungill and all his ffamily and burnt all their writeings belonging to ye said Land & prays an order of this Board to Survey ye said Land againe in his own right

Ordered that ye Said Joseph Callio have Liberty and Survey ye Said Land againe in his owne right and that ye Surveyo^r^ Doe Survey ye same and make returne thereof accordingly

It is ordered by this Board that a Probat be Granted to ye Last Will & Testam^t^ of John Harris Dec'd

Upon Petition of ye Exec^trs^ of ye last will & Testam^t^ of Jno Harris Dec'd by Thos Snoden his Atto^y^ praying Apraisors may be appointed to apraise ye Estate of ye Said Jno Harris and also to make division thereof persuant to ye said will

Ordered that Sam^ll^ Pagett Richard Lewis Jno Jones Junr and Dan^ll^ Halsey or any three of them Doe appraize and make division of ye Said Jno Harris's Estate according to that will and return a true Inventory thereof into ye Sec^tys^ Office

Whereas by an act of Assbly Intitled an act Confirming Survey of Land already made, passed in an Assbly holden in march last It is Enacted That all surveys allready made (Which are not prejudice ye L^ds^ prop^trs^ rights or ye Govr or the presid^t^ for the tyme or any particular persons right) for any of the Inhabitants of this Governm^t^ and ag^t^ which noe Complts shall be made at or before ye next July Court after ye publication of this act are hereby declared to be good and vallid in Law to all Intents & purposes whatsoever any defects or Insufficiencys in ye powers or authoritys for y^s^ soe doeing to ye Contrary in anywise Notwithstanding & that pattents may & ought to be granted on ye afs^d^ Survey's In pursuance of which act Complaints have been this day made before this Board that divers tracts of Land have been Survey'd by warr^ts^ signed by Co^ll^ Thos Cary as Dep^ty^ Govr or Presd^t^ of ye Councill and Dated since ye said Cary was Superseaded in ye afs^d^ authority and this board haveing duely weight and Considered ye afs^d^ Comp^lt^ are of the oppinion that all Blank warr^ts^ or pattents signed by any Govr or presid^t^ and not fill'd up and Dated before such Goven^r^ or presid^t^ be supersceeded dead or otherwise removed the same is Invalled and of none Effect and if ffill'd up Dated & & made of use of afterwards is a great rong & Injury to ye Govr then next Comeing and to ye people takeing up land on soe grounless a ffoundation

Wherefore It is ordered by this Board that all ye Serveys that have been made by virtue of any warr^tt^ Signed by Co^ll^ Thos Cary as Dep^t^ Govr president of y^s^ Councill & not fill'd up and Dated before ye publication of ye Commission from ye Ld^s^ prop^trs^ directed to their presid^t^ & Deputys by wch ye Said Cary was removed from ye s^d^ Office be and are hereby declared Void & of none Effect all pattents and rights granted thereon, And that if any pesons that has had any Land Survey'd on such Warr^t^ have paid any money for ye Same the person to whome ye Same is paid Shall pay ye same back again and the same persons shall have ye preferrance to take up ye Same Land again if they think fitt And the Sec^ty^ is

hereby Ordered to lay before this Board all such warr^{ts} as he shall find in his Office & Cause this order to be published in every precinct—

Upon Petition of Capt Lyonell Reding praying Letters Adm^{tion} upon ye Estate of Capt James Beard Dec̄d as greatest Credito^{r} to ye s^{d} Estate

Ordered that he have Letters of Adm^{tion} on ye Estate of ye said James Beard Accordingly And that Thos Worsley Jno Adams Edwd Carter & Wm Gray or any three of them being first Sworne Doe appraise ye Goods & Chattles of ye Said Beard and make returne thereof to ye Sec^{tys} Office accordingly—

The Honble the Govr having represented that there is a necessity to send an Express to one Martin an Indyan Trader on ye head of Potomack to gett Intelligence from him of ye motion of ye Seneca Indyans.

Ordered that ye Govr Doe send such person as he shall think to ye said Martin wth such Letters and Instructions as he shall think proper—

It is ordered by this Board that a Messenger be forthwth Sent with Instructions from ye Govr to ye Nation of Indyans Called ye Saponees to Endeavor to gett them to engage wth us in this present warr ag^{t} ye heathen upon such Conditions as they shall think fitt And to promise them on behalfe of this Governm^{t} that if their wives & Children will come into this Country they shall be protected & provided for in the meanwhile—

Information being made to this Board that Mr John Porter Senr has seized upon divers Goods in Custody of Wm Moody Terrence Beine & Nathan^{l} Beard who was supposed to have feloniously stole ye said Goods Whereupon It is ordered be forthwth Sent for and Lodged in ye hands & Custody of ye Honble the Govern^{r} until ye persons afs^{d} be acquitted of s^{d} ffellony or the true owners of ye s^{d} Goods doe Appeare and make their Claime Appeare to ye Same—

It is ordered by this Board that a Shallop belonging to Richard Silvester of Virg^{a} whereof Richard Jasper is at present master be forthwth Imprest into ye Countrys Service and Dan^{ll} Lewis and Mathew Midgett doe apraise the same wth all her takle furniture and apperell and make returne thereof to this board

Upon Complaint to this Board by Capt ffred Jones that great quantitys of Salt was Irregularly taken from his house at Matchepungs under pretense of Suporting ye Garrisons thereabout and pray's that ye Same be returned to him in Kind

Whereupon It is ordered that Wm Barrow and Isaac Jacobs who tooke part of ye said Salt away shall returne ye Same quantys of Salt againe by ye tenth of Octo^{r} next at ye afs^{d} house of ye said Jones in Matchepungo afs^{d} as they did take away

℔ T KNIGHT Sec^{try}

[Council Journal.]

North Carolina—ss

Att a Councill holden at ye house of the Honble Edwd Hyde Esqr in Chowan on ye 9 day of Augt A^no^ 1712

Present the Honble Edwd Hyde Esqr Govr &e

The Hon^ables^ { Thos Pollock, Thos Peterson, T Knight } Esqr L^ds^ prop^trs^ Dep^t^

It is ordered by this Board that Capt Wm Rawlason be Imploy'd in ye Countrys service as master of ye Sloope Returne belonging to the Honble Barron De Graffenreid and now lyeing a ground in Nuse River and that he forthw^th^ doe take ye Said Sloope into his Charge and Endevour to get her off and put her in order fitt for ye Country Services and that Maj^r^ Gen^ll^ Pollock be Thereby Impowered to agree wth ye Said Rawlason for his wages and give him such Instruction as he shall think fitt for that purpose And that ye Said Rawlason doe as soon as Conveniantly he can after he has rec'd ye said Sloop in to his Custody give an acco^t^ to this bord w^t^ Condition Shee is in And it is hereby further Ordered that Charles Worth Glover ye present master of ye Said Sloop doe Imeadiately on sight hereof deliver to ye Said Rawlason ye said Sloop and all ye sailes Rigging or other things belonging to ye Said Sloop as he has in his Custody and that he be discharged therefrom

By ord^r^ of ye Councill

℔ T Knight Sec^ty^

[From N. C. Letter Book. S. P. G.]

LETTER FROM REV. MILES GALE, RECTOR OF KIGHLEY.

Kighley, in Craven, Aug. 26, 1712.

My Lord:—

I am informed by letters from my eldest son, Mr. Gale, who has been an inhabitant of North Carolina these eight years, and borne several offices in that unsettled government, that the religion of that country is at a very low ebb, and that little stock carried over, in danger to be totally lost without speedy care of sending ministers to teach the word of truth.

That North Carolina has been inhabited by the English eighteen years, and in all that space they have had but one clergyman, and he left them for want of encouragement; and that for these last eight years they have had none; so that all the children under that age remain unbaptized, of which many have been cut off by a late massacre. The unhappy divisions among the English into parties, encouraged two sorts of Indians, the Corees and the Tuscaroras, to come down upon them and cut off about two hundred, the rest securing themselves in small garrisons made of private houses. According to my son's request, I hereby present your grace with the present sad circumstances of that fine and fruitful country, not doubting of your assistance in so pious a work as the establishment of Christianity in a heathenish country. That your grace may live long to God's glory, the world's goods, and your own happiness, is the hearty prayer of

Your most obedient and humble servant,
MILES GALE.

[B. P. R. O. B. T. PROPRIETIES. VOL. 30. P. 374.]

Angust 27th 1712.

To the Right Honble the Lords
Proprietors of Carolina.

My Lords.

Her Majesty is very much surprized to find that several of her subjects have lately been sent here in Custody, from some of the Plantations, without any Evidence of their crimes; Which as it is a practise very injurious to the particular Persons, who fall under the misfortune, it is likewise very derogatory to the Honour of Her Majesty's Government. And therefore we are Commanded to signify Her Majesty's Pleasure, that your Lordships give directions to the Governor, that he do not upon any occasion send any of Her Subjects hither as prisoners without good Proof first made of the Crime, and that Proof transmitted along with the Prisoner.

We are,
My Lords
Your Lordships
Most humble servants
GUILFORD.
PHIL. MEADOWS.
ARTH. MOORE.
T. HYNDE COTTON.

Whitehall
August the 27th 1712.

[From Pollock's Letter Book.]

Sept 9th 1712

Gentlemen

After mine to you of yesterday's we had the great misfortune to lose our Governor, who deceased yesterday about 12 of the Clock of a violent fever, had held him seven days; and hath left us in a most deplorable condition: a barbarous enemy to deal with; a scarcity of provisions, being scarce able to supply our garrisons and what small forces have out; and, the worst of all, a divided ungovernable people. But hope God in his good time will deliver us from all these affliction and difficulties——

[Council Journal.]

North Carolina ss

Att a meeting of L^ds^ prop^rs^ Dep^tys^ at ye house of ye Honble Maj^r^ Gen^ll^ Pollock in Chowan on the 12 day of Sep^t^ A^ui^ D^ni^ 1712 where was

The Honble { Thos Pollock, Thos Boyd, Nath Chevin, Wm Reed, Tob^t^ Knight } Esqr Lds prop^trs^ Dep^ty

It having pleased Almighty God to take out of this life the Honble Edwd Hyde Esqr late Govr Capt Gen^ll^ & Adm^ll^ of this province the above named Dep^tys^ In persuance to ye L^ds^ prop^tr^ Instructions & for ye better Governm^t^ of this Country and preserving ye peace of ye Same Doe unanimously make Choice of ye Honble Maj^r^ Gen^ll^ Thos Pollock to be presid^t^ of ye Councill & Comand^r^ in Chief of this Governm^t^ untill the Lds prop^trs^ pleasure be farther Knowne

And there upon ye Said Thos Pollock Solemnly tooke and Subscribed by Law appointed to be taken by Law for his quallification together wth the Oath appointed to be taken by all Govr & Command^r^ in Chiefe for ye Due Observation of ye Lawes of Trade and then took his place at ye Board accordingly

Att a Councill holden at ye tyme and place above s^d^

Present

The Honble Thos Pollock Esqr

Presid^t^ of ye Councill & Comand^r^ in Chiefe

The Honble { Thos Boyd, Nath Chevin, Wm Reid, Tob^t^ Knight } Esqr L^ds^ prop^trs^ Dep^tys^

Majr Christopher Gale presenting to this Board a Deputation from ye Lady Eliza Blake Guardian to Joseph Blake Esqr a minor and one of ye true and absolute Lds proptrs thereby appointing him to be Deputy to ye Said Joseph Blake which was publickly read allowed of and ordered to be recorded And there upon ye said Christopher Gale tooke and Subscribed the severall Oathes by Law appointed to be taken for his quallification & then tooke his place at ye Board accordingly

Then a proclamation was published in following words (Vizt)

For as much as it hath pleased Almighty God to take out of this life the Honble Edwd Hyde Esqr late Govr Capt Genll and Admll of this province and the Lds proptrs Deptys having thought fitt for ye future good Governmt of this Country and for preserving the Peace and Tranquillity thereof to make choice of the Honble Thos Pollock Esqr to be presidt of the Council and Comandr in Chiefe of this province until ye Lds proptrs pleasure be farther knowne Whereupon wee doe by this our proclamation strictly on her Majes behalfe require and comand all her Majty Loveing Subjects within this Governmt to render their Due obedience thereto And doe hereby also farther declare all comissions both military and Civill & all process depending in any Court of Record in this Governmt are and shall stand & be in full force power & virtue untill farther ordr from this Board Given &c

Upon complt to this Board by Coll Mitchell & Col Alozr Mackey that they have rec'd divers concureing Information agt Thomas Cox Senr & Wm Stafford Senr of Corretuck for that they did in a Mutinous maner Seduce & draw a side divers men who had Enlisted in ye Service of this Governmt to ye great Detirment of ye present Expedition agt the Indyan Enomy

Whereupon it is ordered by this Board that ye Honble Majr Wm Reed doe Issue out his ordrs to Such persons as he shall think fitt to aprehend & take ye said Thos Cox and Wm Stafford & Carry them before ye said Coll Mitchell & Coll Mackey to be punished as ye Lawes in that case requires Only in Case they shall be adjudged to Death It is hereby ordered that ye execution be suspended untill farther orders from this Board of which advice is given to Coll Mitchell & Coll Mackey

Upon Petition of Thos Roper Showing that his bror Jno Roper is Dead without will and that ye Said Jnos Widdow is a Distracted person and not Capable of taken out Administration on her decd husband Estate therefore prays Administaation may be granted to him on behalf of ye said Widdow & Children

Ordered that Administration be granted to ye Said Thos on behalfe of ye said Widdow & Children accordingly

Upon Petition of Jonathan Bateman praying y^t^ a Certian Negro Called Harvey which he bought of one Jno Butler brought from South Carolina and now in ye Custody of ye Marsh^ll^ may be redelivered to him And it appearing to this Board that no one hath any Just Claime to him It is ordered that ye Marshall doe deliver ye afs^d^ Negro unto ye Said Jno^a^ Bateman he paying ye fees due thereupon & giving suffeicent Security for ye Dutys and for ye Importain of the s^d^ Negro.

Upon Petition of Daniell Jones Showing that Edward Wilson is Dead without will and that Sarah his wife together with Eliza Wyatt Wife of Sam^ll^ Wyatt are Daughters & Coheyres's & nearest of kind to ye Dec'd & therefore pray's Letters of Administration on ye Said Edwd Wilsons Estate

Ordered that Leters of Administration be granted on ye Said Estate of ye Said Wilson to ye afs^d^ Dan^ll^ Jones & Sam^ll^ Wyatt on behalfe of their wives afs^d^

And that Capt Jno Pettiver Jno ffalconer Thos Paris & Thos Avery or any three of them doe make Division of ye afs^d^ Estate between ye s^d^ Dan^ll^ Jones and ye Afs^d^ Sam^ll^ Wyatt

Upon Petition of Thos Long Exec^tr^ of ye last will and Testam^t^ of Robert ffendall Dec'd praying Apraisors may be appointed to appraise ye Estate of ye Dec'd

Ordered that Maj^r^ James Coles ffra Beezly James Ward & Joshua Calloway or any three of them doe appraise ye said Estate and make returne accordingly

Whereas there has been Twenty new Guns and Sume Amunition sent unto ye Honble Edwd Hyde Esqr late Govr from So Carolina for ye Service of this Governm^t^ And Mad^m^ Catha Hyde wi'dd & Reliet of ye said Edwd Hyde being desirous that ye Governm^t^ Shoud take into their possession the said Guns and Amunitions for ye said service afs^d^

It is ordered by this Board that ye said Guns & Amunition be put into ye Custody of ye Honble the president to be by him apply'd to ye Service of ye Governm^t^ as he shall think most proper and that he give Mad^m^ Hyde a recp^t^ for ye Same

It is ordered by this Board that Maj^r^ Cleve be provost Marsh^ll^ for ye County of Bath and that a Comission for that purpose be prepared ag^t^ ye next Councill and that he then give in security to ye presid^t^ for ye Execution of his said Office according to ye Act in that Case made And that he have authority to Act in ye Said Office in ye mean while

Upon petition of Hannah Smyth praying apraisors may be appointed to appraise Such part of ye Estate of Jno Lawson Dec'd as is in this County of Albemarle

Ordered that Co^ll^ Thos Boyd Maj^r^ Christo Gale & Tobias Knight Esqr doe appraise ye said Estate and make returne thereof accordingly

It is ordered by this Board that Thos Pollock J^r^ be appointed Survey^r^ Gen^ll^ of this Governm^t^ and that a Comission doe Issue out to him accordingly And then ye Said Thos Pollock J^r^ tooke and subscribed the severall Oathes appointed to taken for his quallification And Co^ll^ Thos Boyd Came and assumed upon himselfe to be security for ye Said Thomas Pollock J^r^ according to ye Laws in that behalfe made

T KNIGHT — THO^s^ POLLOCK
C GALE — THO^s^ BOYD
N CHEVIN — Wm REED

[From Pollock's Letter Book.]

Sept 15th 1712.

Gentlemen

The Impertunity of the Council at this juncture hath prevailed with me to accept this place, much contrary to my intention and inclination. And these few lines are only to acquaint you that you may be assured that their shall be nothing wanting of my endeavours in hastening out what forces I can to your assistance, As for those two men at Curetuck Cook (?) and Stafford, the highest punishment you can inflict on them I believe it little enough. But I should be very much troubled, if my administration should begin with the death of any of our people. Wherefore would desire you, if the Court-martial do proceed so far as to give judgement of death upon them, to respite the execution until you have an answer and result from me, and the council. Gentlemen, God almighty give success to your endeavours; which shall be the daily prayer of, Gentlemen,

Yours

A true copy sent by Major Chevin

[From Pollock's Letter Book.]

A TRUE COPY OF A LETTER TO THE LORDS PROPRIETORS DATED SEPT 20th 1712

May it please your Lordships

Amongst the many and great judgements it hath pleased God to inflict on the poor people of the north part of your Province of Carolina, the death of Governor Hyde is none of the least. For thereby we have not only lost the great interest we had with your Lordships, but also with the neighbouring Governments; and albeit he and the Council have used their utmost endeavours to unite and reconcile all differences among the people, in order to which (according to the purport of your Lordships' instructions to him) have issued out a proclamation, pardening any that had any hand in the late rebellious practices, excepting only Col Thomas Cary, Mr John Porter Senr, Edmond Porter, Emanuel Low, Mr Roach, and two or three more here, who have been chief instruments in stirring up the people. Yet notwithstanding, it hath not produced the desired effects, the people still continuing stubborn & disobedient; some few evil disposed persons still blowing up the coals of dissention amongst them, to the great hindrance of carrying on the wars against the Indian Enemies.

The real desire to serve his Majesty, your Lordships, and the poor people here, with the impertunity of the council here, have forced me to accept of the administration at this time when the country seems to labor under insuperable difficulties, when in more peacible times I have refused it. And I assure your Lordships, that I will faithfully and truly serve you to the utmost of my power and knowledge, until you are pleased to appoint some other In the mean time think it my duty, as briefly as I can, to lay before you the true state of the country.

The people of this country are greatly impoverished: them at news and Pamptico having most of their houses and household goods burnt, their stocks of Cattle, hogs horses, &c, killed, and carried away and their plantations ruined by the Indians: they forced to secure themselves in forts; as we likewise on the south southwest shore of Chowan, where I live, are forced to do, Then, we in Albemarle County are forced to supply those in News and Pamptico with grain, and the forces we send from hence, likewise the Ashley River Indians; whereby our trade is ruined, their being no grain nor little or no pork this two or three years to send out; so that what few vessels comes in can have little or nothing. unless

a little pitch or tar: so that many have not wherewith to pay their debts, and but few that can supply themselves with clothing, necessary for their families. Then the public is several thousand pounds in debt for mens wages employed in the country's service, ammunition, provisions, vessel's hire, agents, and messenger's charge to our neighbouring governments, and several other things too tedious to trouble your Lordship with.

The Indian war continuing still, disention and disobedience as much as ever amongst the people, which with the want of ready pay to pay off the people that have been out in the countrys service, is the greatest mischief of all: so that albeitt in our last Assembly we had an act made, that every person that would not go out in the country's service against the Indians should forfeit and pay five pounds towards defraying the charges of the war: Notwithstanding which act few or none would go out; albeit Governor Hyde was just beginning to put the Law in execution, when he died there being now but 130 or 140 men in all at News with Col Mitchell and Col McKey, who are commander for the expedition against the Indians, too f^w in number to conquer the Tuscaroras; only in hopes of getting some men from this county, and also are in Expectation, (by letters from Governor Craven and our agent) of Indians from South Carolina to assist us. There has been likewise some Tuskarora Indians with the Governor of Verginia and pretend a great willingness to a peace, In order to which, they are to be with him against the 28th of this Instant September, where we send in likewise two agents Mr Tobias Knight, and Major Christopher Gale; not with any expectation of the Governor of Verginia making a peace for us for that would be dishonourable to your Lordships, and a means to render us contemptible to the Indians, but to see what articles they propose. But I believe this pretending to peace is only for delaying of time, until they get their corn gathered in their forts, and until they see if they can have any help from the five nations, Confederate nations of Indians, commonly called Senecas. Your Lordships may see by this brief relation, what inextricable difficulties we are plunged into; our enemies strong, and numerous, well provided with armes and ammunition; our people poor, dispirited, undisciplined, timorous, divided, and generally disobedient, and not only a great want of armes and ammunition ——— but likewise the poor men who have been out in the service of the Country for want of their pay are in want of Clothing, so that they are not well able to hold out in the woods in the cold weather after the Indians. And if the Government of South Carolina had not assisted us, with their

Indian in probability News and pamptico had been deserted, and I believe a great deal more of the Country by this time. And in all probability, if Col Barnwell had done his part, albeit the most part of his Indians had left him, the war had been ended by this time. For Col. Mitchell a Swiss Gentleman who came in with Baron Graffenried, having continued to draw the trenches within eleven yards of their fort, being only palisades and had raised a battery very near, and had planted two great guns, had got great quantities of lightwood and combustible faggots to fill all up between the end of the trenches and the palisades so that the Indians within the forts (who were in a manner of that had any hand in the massacre) would have surrendered on any terms; yet he made a sham peace with them, and let them all go, which he and they both broke in a very few days after. The taking of this fort (where the most of our Enemy Indians were) would have discouraged the rest so much that they would have either complied on our terms, or left the country, and would have encouraged our people much in taking so many slaves. And albeit Col Barnwells Indians killed 40 or 50 Cores, Bare River, River Neuse and Matamusket Indian men, and took near upon 200 of their women and Children, yet in all the time he was here, not above 30 Tuskarora Indians were killed, that we can hear of: the others being small nations not able of themselves to hurt us. All these things I doubt not Governor Hyde hath given you a large account before this time. I hope your Lordships will consider our distressed condition, being greatly in want of armes and ammunition.

I hope the consideration of the great extremity we are brought to, that we are Christians, Her Majesty's subjects, and your Lordships' tenants, the venturing of our lives and spending our Estates for the preservation of your Lordships' land, will move your Lordships to assist us by such ways and means as your Lordships shall think fit: especially with armes and ammunition, or 20 [Big-guns] and round shot answerable, 200 small, good, with fixed firelocks, ——————— or 000 gun flints, which I hope sufficient to carry on and finish the war, and may be a publick magazine to be kept always ready for the defence of the country. Also think it my duty to inform your Lordships, that there is several tracts of land, that people have taken up and surveyed, upon pretence of purchase, some three four and five years since, and some longer, without either settling or (paying for) the same: which hath been a great hindrance to the settling of the (people); and seems to me a great damage to your Lordships, they paying no rents for the same. and we having had several disputes in Council, but could not determine any thing therein,

wherefore would earnestly desire your Lordships' instructions thereauent; and whereas your Lordships seem to incline that our laws shall hold in force only two years, I shall lay before you the great inconveniences thereof. First: several benificial laws would (fail) which we could never be able to revive again, as the vestry act, which empowers the vestry to build and keep in repair Churches and Chapels, and to raise stipend for the ministers of the Church of England; which act was great struggling obtained when the (Quaker?) party were not so numerous as they are now; and albeit they are not permitted to sit themselves in the assembly, yet, being the most numerous, they choose such members as are guided and directed by them, and (one) commonly worse than they themselves would be. Then it would give a great opportunity to every Governor or President, every two years to impose on the people by his refusing to give his consent to the passing of the laws, unless his demands were allowed, which hath been (to my knowledge) very prejudicial to the Country, and by it sometimes we have been without any laws at all of our own in force. I leave it to your Lordships' consideration, if it would not be as well to have the body of our laws sent to your Lordships to confirm, or disallow, or suspend, which of them you shall think convenient.

I shall add no more, but that peace and prosperity of this your Lordships' country shall be the chief endeavour of him who is

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[From Pollock's Letter Book.]

A TRUE COPY OF A LETTER TO MY LORD CARTERET, DATED SEPT 20th 1712

May it please your Lordship

Having been your Fathers and your Deputy here about these twenty years last past, which your Lordship hath favourably confirmed, think it therefore my Duty to inform you of all matter of moment relating to the government here. The death of Governor Hyde hath been of fatal consequence to this government, who hath laboured under abundance of difficulty since his arrival here, by the divisions and differences amongst the inhabitants here, and the Indian war, all which I believe I may truly [declare] hath been chiefly occasioned by —— and some few evil-disposed persons, with the whole body of the Quakers [who] joined them, and

were chief instruments to stir up Col. Cary to act as he did; and albeit these Quakers were very active in pursuading and assisting the people to rise for Col. Cary against Governor Hyde, yet now in this Indian war, wherein News and pamtico, and the south and southwest shore of Chowan, which is the best part of the government, and in great danger to be greatly deserted, yet they neither will assist themselves nor suffer others, but hinder and dissuade them, all they can, they having great influance on the common people, and will not so much as send their armes to those who are willing to go, and, as I am credilily informed, hide them for fear of their being pressed: and albeit at the last assembly with much struggling we obtained a law that every person between 16 and 60 years of age able to carry armes that would not go out to the war against the Indians, should forfiet and pay £5 towards defraying the charges of the war, yet it hath not had the desired effect, most of all the people refusing still to go: the distemper hath been so epidemical that Governor Hyde could scarcely find any person that would undertake to levy the fines aforesaid. So that we labour now under these difficulties following.—an Indian War heavy upon us. The public some thousand pounds in debt; not able to pay off men goes out to the war, which greatly discourages them, there being no way to pay them but by these fines, which will take a long time and be very difficult to raise, and some customs laid on goods imported, which; our trade now quite failing, comes to nothing, and lastly the disobedience and stubbornness of the people, which is of more consequence than any of the rest, and chiefly occasioned by these Quakers and some few other evil disposed persons, who have been a plague to this government these 4 or 5 years last past who easily may be known by Governor Hyde's reiterated complaints against them to your Lordships.

I out of the great cofidence of have of your Lordships great and good character, and intending to lay every thing from me belonging to this country, at your Lordships feet, have inclosed a letter from me to your Board, begging the favor, after your perusal, to have it sealed and delivered at the Board, and that your Lordship, with his Excellency the Palatine and the rest of the true and absolute Lords Proprietors, will assist, what yon can, this poor distressed people, not only with armes and ammunition which is greatly wanted, but with what influence your Lordships hath over the government of South Carolina, which are the most capable to assist us with their Indians, and with the least charge, as likewise I doubt not your Lordships may procure Her Majestys order to the government of Verginia, who are near and may readily help. If your Lordships have any intention of taking up a mann in this government,

and if the Indians are conquered, there is by report, a seat of extraordinary land upon Neus River above 25 miles higher than Baron Graffenried's settlement. Navigation to it with boats or shallops——Col Barnwell, commander of the Indians from South Carolina, expected to have had it: Gov. Hyde had entered it, but by his death it is clear. There is several hundred of acres of clear plantible ground, being cleared about three miles long the river side, and will undoubtedly be of great value. I will endeavor to reserve it untill I understand your Lordships pleasure. I being informed that some person here, supposing that the gentleman whom your Lordships have commissioned General Surveyor of this county will not think it worth his time in coming over here and have therefore sent over to procure the place for themselves, Governor Hyde and the councill having in some measure to make up the great charge I have been at these wars, bestowed the place on me, and since his death, with consent of the council bestowed it on a son of mine. If your Lordship thinks it convenient to procure it for him, it shall beside full satisfaction for the charges of the commission, be always most greatfully acknowledged by———

Both sent by the Baron.

How to direct to Lord Carteret—To the Right Honble Lord John Carteret, at the Lord Waymouth's, in St James Square London.

[From Pollock's Letter Book.]

SENT BY LIEUTENANT WOODHOUSE AND THO^{s} JOHNSON

October 3 day 1712

Gentlemen Friends and Neighbours,

I have recieved and with grief of heart considered your address to the Council, and shall lay it before them as soon as I can get them together, and in the meantime shall use my uttermost endeavours in redressing your wants of men, provisions, and ammunition. Captian Norton as I was informed by Mr Knight, sailed last Saturday from pasquotanke in Major Reed's sloop with 30 or 40 men, provisions, and two Barrels powder and ten Barrels I think of shot. Mr Benjamin Tull and George Tomson, who were here last night, informed that last Sunday they left Major Cole in a periago and a shallop, with provisions with him at Croaton. I have sent now this morning by Mr Tull and Mr Tomson a

barrel of powder and ten new guns, they are likewise impowered to take up and carry back all deserters they can meet with or apprehend. I have likewise appointed Mr Furnifold Green, Commissary to impress and supply the army with anything that is to be had in Bath County: and because our corn here will not keep to be carried round to the army, yet the corn there in Bath county, in some places may, and they may be repaid from here, as soon as conveniently can be. As for meat, I have writ to Mr Jordan, and have his answer, that he hath a Shallop almost ready to sail for the army, with beef, and that all the people in general are very willing to assist the army what they can. You have two proclamations sent you, both of the same tenor, confirming all officers both civil and military. The first was sent by Capt'n Cleeves about four days after the Governor funeral: the other by Captn Stone.

Gentlemen and Friends, our all lies now at stake, our country, our wives, our children, our estates, and all that is dear to us. Let us therefore bear with patience some hardships; let strive against all difficulties. Who can tell but God hath appointed you to be the defenders and delieverers of our country? We have lost one oppertunity already of delivering of our country in not taking Cotechny fort last spring, and, now another oppertunity is offered, for God's sake let us make us of it; for if we lose it we can never in reason expect such another. The Indians, as we are informed by Tom Blount who was in here four days last week, are very scarce of provisions, and ammunition, so that they can not, as he says, stay in their forts. And I doubt not the Ashley River Indians will clear the woods of the vermin, and force them into their dens, I mean their forts, which they cannot be able to hold long, for want of provision, Ammunition, firewood and everything necessary.

Wherefore. Gentlemen, let us look to God, and implore his assistance and direction Let us lay aside all animosity, difference, and dissentions amongst ourselves; Let us shun such, as we would shun the plague, that endeavour to raise mutinies, or to sow the seeds of dissention amongst us. As for my own part, I take God to my witness, that I have not been wanting, nor shall not to the best of my knowledge and power, in my true endeavours for the country's good. The peace and prosperity whereof shall be still the chief and only aim of him who is in all sincerity, Gentlemen

PRESIDENT POLLOCK TO THE GOVERNOR OF VIRGINIA.

[From Pollock's Letter Book.]

Octo. 5th 1712

Hond Sir

Our agents Mr Tobias Knight and Major Gale were here the 28th of the last Month, in order to have waited upon your honor, concerning the meeting with the Indians. But Tom Blount having been here some days before, I have told him that your Honour and the council in Virginia expected him in, about that time, and that it would do well to goin accordingly; he answered that a messenger from you told him that he should be in in forty days, or at farthest in sixty days, and by that time he would be in with you. He seemed to be very earnest for peace, and to have a trade as formerly, which I utterly denied him, unless less he would engage to bring in Hancoek, and cut of all these that had any hand in killing and robbing the inhabitants here, and bring in their scalps. And for his pretending the want of ammunition, I promised him if he would bring in twelve hostages from each town or fort that I would let him have ammunition; only for his own town we would desire no hostages, for the trust that we put in him, of which proposal he seemed pretty we satisfied, and was sure, he said, of four of their towns that would agree with [us], and he believed all would; only he would go home, and conelude with the rest, and be in here again the 17th of this month, and from hence he would go staight to your Honor; at which time our agents will be in with him. He was earnest with our interpreter to go with him, and seemed to have no great confidence in your interpreter; and then he said he would fully eonclude peace, both with your Honour and here, on any terms that lay in his power, and begged of me to write to your Honor to be favourable to his people until he came in.

A packet boat is newly arrived here from South Carolina, with our agent that was sent their in June last, by whom and letters from Governor Craven and some other Gentlemen, we understand that their Governor, Council, and assembly have agreed to send one thousand Indians and forty or fifty white men for our assistance, under the command of Mr James Moor, son to Col Moor, late Governor of South Carolina, a young man of a very good character. They were to set out the 15th of last month, The Governor hastens them away, and is intended to accompany them to the utmost inhabitants of his government.

Sir we have as I am informed, many of our people that are away from hence, and lurk in the borders of your government, especially on Cocks and Stafford from Currituck who were the chief instruments of a meeting of their and caused forty or fifty men to desert your Honor's sending of them two in to us here, would be of great service to the country.

Sir we labour here under almost insupportable difficulties, having a troublesome war upon our hands, great poverty and sickness, and the worst of all and unreasonable and ungovernable people. I hope your Honor will assist us, what you can, to bring this war to an honorable end, and favour me with your advice in this troublesome juncture, which will infinitely oblidge

PRESIDENT POLLOCK TO GOVERNOR OF SOUTH CAROLINA.

[From Pollock's Letter Book.]

Hon^{d} Sir

By your letter to Governor Hyde we are made more and more sensible of the great and inseparable loss we have sustained by his death. For we not only find the great want of his industrious care to reduce this distracted and divided people into unity, and his indefatigable pains in carrying on the war against the Enemy, although not so effectual as he desired; but we are likely to lose our interest abroad, Especially with your Honor, but hope your pity and charity to such a poor distressed people, with the consideration of the great glory will to you that South Carolina under your administration had secured us from our barbarous enemies, saved our country, and revenged the innocent christian blood spilt by these cruel merciless heathens, will move you to finish so good a work.

I can not find words to express the great obligations we have to your Honor and the Government of South Carolina, the safety of our wives, our Children, our estates, and all that we have that is dear to us being owning to you. And as I have in some measure already represented this matter to the Lords Proprietors, shall by the next give them a full and true account of your goodness and favor towards us, and I hope of and end of this troublesome war by your means. as for making good the

charge you have been out in this war, undoubtedly it ought to be repaid with all gratitude; but I hope your Honor, the council, and assembly will consider the distressed condition of this people. We consist only of two counties; one whereof is in a manner totally wasted and ruined by this Indian war, and the calamities attending it. The other is but little better, by supplying the wants of the other County, and by being hindred in their crops by this war. Notwithstanding which, I have great confidence our assembly, which is to meet the fourth of the next month month, will endeavour what they can to satisfy the charges of the Expedition, and can consider no other way they can be able to do it, than according to these bills of credit you take 122½ per cent, the principal to sink at the end of twelve years.

I return my harty thanks for putting in a man of so good and great a character [as] Col Moore, commander of your forces, and shall be ambitious to serve him in any thing in my power

The members of our Council being at this time so seperated that it is imposible for me to geather [them] unless should attain the sloop two or three weeks longer, but can in a manner assure you their sentiments will in nothing be contrary to what I have writ, and being and assembly is to meet the fourth of the next month, know not if the winds be favourable but your answer may be in before our assembly breaking, and hope by your next return to give Your Honor, Council and assembly what satisfactions we are able. We are greatly in want of ammunition, which I hope your Honor will remember by this vessel, and had it not been for those barrels of powder, twenty barrels shot twenty guns you sent to Governor Hyde we should have been quite without; all of which is sent around to our forces at Core-town fort, who attend your armies coming; and we going, by information I had from thence last week, to Catechne fort which Col. Barnwell besieged last spring; having had their scouts out before on discovery who met only with three Indians, one of whom they killed and brought in his scalp. By a letter from Governor Hunter of New York understand of no danger from the five nations of senecas, they pretending they had no hand in encouraging the Tuskaroras, and are out now against the French Indians. The Indians lately have killed one man [at] Readings fort; and to the number of about 200 of them assaulted it, but were beaten of with the loss of about five of their men, and did little damage, only burned a sloop that lay by the fort. Likewise some of them have burnt the houses upon four plantations towards the mouth of Pamtico River, and attacked Capt Jones' house, but were beat off, none killed of our people. I shall add no more; but your Honor's favourable and speedy answer will be very acceptable to—

[From Pollock's Letter Book.]

Hon[d] Sir

Yours of the 11th instant now before me, and as for the Tuscaroras? should be very unwilling that the innocent should suffer with the guilty, if possible to distinguish them, and am altogether of your Honor's opinion, that there is no dependence on their promises, they being bound by no ties of religion, honor, nor honesty, But I am forced at present to bear with, and prolong the time with Tom Blount, by reason the forces from Ashley River [are not] yet arrived, and we being open to him. Tom Blount and about sixteen of his men came in here on Monday last, being four days later than the time promised. He said he came out time enough to be here at the time agreed upon, but hearing that some of the Catechne Indians were got on this side Pamplico River, he followed them two or three days, which hindered him that he could not come in at the time appointed. He seemed willing to go to your Honor with our interpreter, but after some questions and answers, and that I had told him he could expect nothing here, nor I believed from your Honor, until he brought in Hancock, and had some assurance of his performance what he had promised, he presently answered that he would go and bring him in if possible, and would return [in] eight days. He seems not to doubt finding of him, only doubts he may have more men joined with him; which if he has, he says he will pretend friendship with him, and keep hunting with him untill he get more men from his Town to assist him. He is to bring him in alive; so that his own word make it clear there is no dependance on his promises, who will act so treacherously to those of his own nation and his near relations.

If he brings him in (which I much doubt) I will immediately give your Honor and account, and what proposal he agrees to as to the bringing the hostages and whither he and his men will engage to cut off all the Enemie Indians by themselves or in conjunction with our forces.

If he bring not now in, I believe we must expect his joining with the other Tuscaroras against us, which may prove very fatal to this government, unless assisted by you. and I hope not only charity will move your assembly to assist us, as being neighbours, fellow-Christians, under the same Queen, but also interest; for having conquered us it will undoubtedly encourage more nations of Indians to join them, which may likewise endanger your government.

Hon[d] Sir I doubt not, on the arrival of the South Carolina forces, a great many of the Tuscaroras will fly northerly on the hither side Pamplico and Moratoce, expecting the South Carolina Indians will not follow them over these rivers; so that if your Honor could move your assembly to be at the charge of raising of 300 men, with the Sappona and other Indians (as for the Meherrins and Natnas, there is no trust to be put in them) to be ready at a day's warning with five or six weeks provisions, to march, to stop the Tuscarora's flying northerly, and could move them likewise to entrust our assembly for eight or nine hundred yards of duffels, to clothes our people to march out likewise, they being so poor generally here that they neither are all clothed to endure a winter campaign, niether have they wherewith to buy it, neither is it to be bought here, having now little or no trade.

It might be a means of distroyed our Enemie Indians, and bring the rest to submit on reasonable terms, and would your Honors' favore in having a great [share] in delivering this poor—

I hope your Honor will pardon my tediousness and impurtunity; the real necessity of this poor people in general urging me to use my uttermost endeavor in their favor.

I understand by M[r] Foster, our agent, whose letter have inclosed? that Col Barnwell, by his foolish reflections on your Honor and Governor Hyde, hath lost the favour of that government. I am in all sincerity, Hon[d] Sir your most obedient

Humble Servant

[From N. C. Letter Book. S. P. G.]

M[r] URMSTONE TO M[r] HODGES

North Carolina
Oct[r] 22nd 1712

Sir.

I acquainted the Honorable Society with the death of my fellow Labourer the Rev[d] M[r] Adams late Missionary in this province per the first opportunity after the same and withall that being disappointed of that Library brought in by M[r] Gordon, and for which I stand bound, I demanded that which belonged to M[r] Adams, which upon inquiry I found safe and entire but was refused it. The precinct where the deceased last dwelt, pretending the Books belonged to them and would not part with

them except I would live with them. I am told Mr Rainsford had the like answer. Thus Society is abused and their Missionaries in this as well as other cases ill treated by an ungrateful worthless people I hope you will either cancel my obligation or send me other books instead of those lost by Mr Gordon I aver and testify that those ..... Mr Adams were brought in were at the time of his death safe and entire as above and therefore see no reason his heirs should suffer but what is since become of them perhaps neither you nor I shall ever know. I've more than once complained of the injust usage I have met with in reference to a very valuable collection of choice books detained at Bath, nowe the seat of war many of which are spoilt and the rest will infallibly, be destroyed by the Heathen, at least the Ministry will never be much better for them for whose use they were chiefly intended. That place will never be the seat of Government nor supplied by an Incumbent a remote obscure dangerous place of it felt incapable of subsisting a Minister and inconsistent with any other part of the Colony. I have not been favoured with a line since I arrived here from the Society. I hope I shall be so happy within a short time and that my requests per Col. Quarry will be granted, otherwise you must expect to hear I am Bankrupt & forced to run for it, since Col^{l} Hides death the Quakers and their adherents threaten to act over again the late Tragedy in Order to settle and establish themselves overthrowe the Church & in the end finish the ruin of this poor country if the Indians do it not for them but these Meeting with little or no opposition cannot fail of destroying us all; We are in expectation of succour from Ashley River but that is very uncertain. Our cowardice and Quaking principles render us the scorn & contempt of all our neighbours. We are to have an assembly on the 4th of next month I hear few but quakers and their party are chosen Burgesses so that we may expect but little good, they give ont already they'l have new Lords and new Laws or rather no Laws that will best please the generality of our Gentry

I am good Sir &c

JNO. URMSTONE
Missionary.

[B. P. R. O. B. T. VIRGINIA. VOL: 13. O. 134.]

COL SPOTSWOOD TO THE LORDS OF TRADE OCTOBER THE 15th 1712

VIRGINIA Octr 15th 1712.

My Lords

The arrival of the Dunwick Frigate with Her Maj^{ties} Proclamation for a Cessation of Armes gives me the opportunity of a few minutes to informe your Lord^{ps} of the present scituation of affaires in these parts.

The Indians continue their incursions in North Carolina and the death of Colloncl Hyde the Governor, which happened the beginning of last moneth increases the misery of that Province so much weakened already by their own Divisions that no measures projected by those in the Government for curbing the Heathens can be prosecuted.

This unhappy state of Her Majestys subjects in my neighbourhood is the more afflicting to me because I have very little hopes of being enabled to relieve them by our Assembly, which I have called to meet next week; for the mobb of this countrey having tryed their strength in the late election, and finding themselves able to carry whom they please, have generally chosen Representatives of their own class: who as their principal recommendations have declared their Resolution to raise no tax on the People let the occasion be what it will. This is owing to a defect in the Constitution which allows to every one tho but just out of the Condition of a servant that can but purchase half an acre of Land an equal vote with the men of the best estates in the country

The militia of this Colony is perfectly useless without arms or ammunition and by an unaccountable infatuation no arguments I have used can prevail on these people to make their militia more serviceable the fear of enemys by sea (except Pirates) are now happily removed by the Peace which if on no other account than that alone: ought to be received here as the greatest and most valuable blessing. but the insurrection of our own Negroes, and the Invasions of the Indians are no less to be dreaded while the people are so stupidly adverse to the only means they have left to protect themselves against either of these events. I shall for my own part take all the care I am capable of (under these disadvan-

tages) for the safety of Her Majestys Subjects and still endeavour to testify to your Lordships that I am with all due respect

My Lords
Your Lord^{sps}
Most Dutiful and
Most Obedient Humble Servant.
A. SPOTSWOOD.

(Endorsed)

Letter from Coll Spotswood Lt Govr of Virginia Dated the 15th Oct 1712

Rec^{d} Dec 29th } 1712
Read Feb 26th }

[From N. C. Letter Book. S. P. G.]

MR. URMSTONE TO THE SECRETARY

Nov. 6. 1712.

Sir

The last of Nov. 1713 I rec'd one from the Honble Society by Col^{l} Nicholson who stopping at Boston forwarded it. The very true dismal accounts I have given of affairs here both with relation to myself and the Governor required methinks with submission a more timely and suitable answer if your—Missionaries are not sold to be slaves or banished to a much worse place than ever the Giarii of old were much more what they now are—This is the first I ever was favoured with notwithstanding above 50 I have written, I shall be ready to comply with what is expected of me with reference to the said Gent and accordingly upon a bare intimation that he expected to hear from me I have acquainted that what is expected of me I cannot comply with by reason that the Vestries have rejected misused and refused to do anything for Missionaries upon a supposition that our salary in England is sufficient & that it was never expected by the Society that the Inhabitants should be at any charge The plain truth is our Holy religion (as with sorrow I have often hinted) is totally neglected disregarded & those who promote the same trampled upon I am very miserable indeed, thro the baseness of the people and the mismanagement of my Salary in England which is an accident that happens to most men that travel; this is not the first time I have

been abused by one I have intrusted & thought tho' mistaken I was safe so unhappy are many & if Missionaries what signify great salaries, I am poorer now by far than when I came hither & were I but able would speedily quit the country, I have wrecked my brains ever since I arrived to keep soul and body together & have been almost continually in as much danger as in the greatest extremity that can be Sea in fine death would be welcome—The Society may perhaps say this is my constant style but am pursuaded when my reports are confirmed by Col Nicholson they may have some further influence with the Society I am desirous if possible to stay here till he comes among us & then doubt not but he will justify my leaving this wretched country and returning to England.

Mr Rainsford has proved another Alexander his comin in has been a great detriment to me and no service to the country. I wish he may stay in it as long as I've done but very much doubt it never any one could do it & had I been able should have long ago taken me to another place

I am Sir &c

JNO URMSTONE Miss^ry^

[B. P. R. O. B. T. Virginia. Vol. 13. O. 138.]

North Carolina

To the Honble Alexander Spotswood her Majestys Lieutenant Governor of Virginia

May it please your Hon^r^

The many instances of your Favours in the distressed condition of this Country by your endeavours to succour us with men; by your interposition with the Heathen and by your utmost endeavours to prevent any supply of ammunition and Arms to our barbarous Enemys encourages us to renew our supplications to your Hon^r^ for some timely assistance under the most miserable condition that ever people groaned. We can with very great truth say we have exerted our utmost endeavours as well by arms as by Treatys to maintaine the honour of the British and Christian Character; but what with the greatest poverty the repeated slaughters of our men and the disability of our few remaining by wounds and continual Fatigues and Marches We are rendered not only incapable of carrying on an Offensive but even a Defensive War, And the barbarous Heathen are so well acquainted with our disability both which renders all

treatys vain and likewise makes us more obnoxious to their barbarous Crueltys.

Wherefore we humbly supplicate your Hon^{r} by all the ties of Christianity and all the ties of Humanity and Fellow subjects to afford us some assistance without which the destruction of many unfortunate familys will follow what reputation that will be to our neighbouring Governments or the necessity of makeing use of the Heathen for Mediators Your Hon^{r} is too good a Judge to be informed What we can promise on our parts is provisions and the expense of transporting the soldiers which is all our Circumstances will admit of Your Compassion to so many of her Majestys Subjects will greatly add to your illustrous Character and confirme that opinion which we really have of your being to the utmost of your power the Protector of the distressed

We are

Y^{r} Hon^{r} very humble servants

THO: POLLOCK

C GALE N CHEVIN

THO: BOYD

T: KNIGHT Wm REED

THO: SNODEN Speak^{r}

[B. P. R. O. Proprieties. B. T. No. 27. p. 109.]

To the Right Honble the Lords Commissioners
of the Council of Trade &c:

May it please your Lordships,

• The complaints of the disorders and irregularities of the Proprietary and Charter Colonies still increasing and it being the opinion of this Board that it is of absolute necessity that the Legislative power of the nation is only capable of providing suitable remedies for so great evills by reassuming the powers of Government and placing them in the hands of his Majesty. In order to the attaining this end, I would humbly propose to your Lordships,

• That a Commission of Inspection into the state and complaints of the Proprietary and Charter Governments might be granted to such person or persons as to your Lord^{sps} shall judge fit for such a service with suitable Instructions to enquire into the severall Transgressions of the Acts of

Trade &c. The denyall of Appeals to England The raising and falling of coyne to the damage of the neighboring colonies.

The quantities of Tobacco yearly made in the three Lower Counties of Pennsylvania and how and by whom shipped with the places where

The state of their Militia and Courts of Law. The Boundaries of Pennsylvania more particularly where Mr Penns Patent limited to the Latitude of forty degrees takes its beginning on Delaware River, that a true account may be given of the Quantities of Lands surveyed out of the bounds, the one half of the Quit rents being due and reserved to his Majesty.

The Refuge that hath been given by any of those Proprietary or Harbour Colonies to fugitive sailers or servants &c:

And to make returns of these enquiries with the proofs against the next session of the Parliament by which not only your Lordships but the Honorable Assembly may be thoroughly acquainted with the true state of these Colonies and better enabled to make a due regulation and settlement of them.

This my Lords as it would be but of little expence to his Majesty, so it is humbly conceived would be highly serviceable towards the prevention of the growing evills of those Colonies all which is humbly submitted to your Lordships consideration by

Your Lordships most
humble servant
J. BASS.

[From Calendar of Virginia State Papers. Vol. 1. p. 156.]

LETTER TO GOV. POLLOCK ON INDIAN AFFAIRS.

Wmsburgh 13 December 1712.

To the president of North Carolina,

Sir,

By the return of a Servant wch the Baron of Graffenzied (de Graaffenreidt) sent into ye Country, I received on the 11th instant yours of the 26th of Nov. & 4th of this month, but I find myself still under the same uncertainty in relation to the purchase of the *Duffells, the disposition of the Thousand pound raised by our Assembly for yr. Releif, The removing the Scruples of our Council, as to declaring War against the Indian Enemy untill a previous declaration on your part, and likewise

*A variety of blanket, or woolen cloth, out of which blankets are cut.

as to sending you the Indian prisoners that are here, on all wch I expected your Answer—All you say as to the Duffells is that you should have occasion thereof, if I thought convenient, but since this Country was willing to be at the charge to purchase them upon y^{r} Request, It might have been reasonably expected yr Government should take the trouble of sending for them—And if the money raised by our Afsembly be of use for your Releif, I cannot see why the Conference, I proposed for laying it out to the best advantage should not be taken notice of, unlefs y^{r} Government be unwilling to accept of it upon the terms of Repayment; but as to that point my last Letter might have satisfied you, that neither I nor the Council intended to press you thereupon, nor do I expect any present Engagement to be entered into upon the Advance of that money—Since you find y^{r}self under so great streights to furnish provisions to ye South Carolina Auxiliarys, The money raised here may be as effectually applyed in the purchase of Corne & pork in this Country, for those Forces, as in raising men, If you think the Force sent from South Carolina will be sufficient to do the work without them—

As the taking of Hancock was in pursuance of an Engagement entered into wth this Govern^{t} by Blounts people, and Hostages left for his delivery here, he was in effect a prisoner to this Govrn^{t}: and certainly Blount looked on him as such, when he sent 2 of his men to give me notice of his coming in & ordered them to wait here 'till his arrival, and one who stood more on punctillios than I do would be a little startled at the suddennefs of his Execution without my knowledge,—especially, seeing I am persuaded you could not suspect that I would shelter him against the punishment due to his crimes: having given you an instance to the Contrary, by delivering up James Cohery, who (how ignorant soever some of yr: people may be of it) was first seeized by our Tributarys, carryed before a Majistrate, and by order, del'd to the Chowans, to be carryed into yr: province, & after having told you in my last that I intended to deliver up to you all the Indian prisoners that are here: among wch there are now two Waccon Indians taken lately by the Meherins in pursuance to my orders—And I shall accordingly send them under a guard of our Militia to South Key, the 27th instant, when I hope you will appoint some to receive them on that day. I send this by Blunts' men, who together with his brother are returning back to him, their stay here being now unneceffary—I shal write to you more fully wth the prisoner, or elfe by Mr Richardson, who is just now arrived here, and intended for y^{r} province as Reco^{r} Gen^{ll} for the Lords proprietors.

[From Calendar of Virginia State Papers. Vol. 1. p. 157.]

TO GOV POLLOCK OF NORTH CAROLINA, ON THE SAME SUBJECT.

Wmsburgh 22 December 1712

To the President of North Carolina,

Sir, According to what I writt you, the 13th instant by ye return of Blunts two Indians & the Hostage, I now send the Indian prisoners, being eight in all, the warrant which will be delivered with them, will inform you by whom they were taken and when committed, and as the only crime they have been guilty of against this Government is their coming in, contrary to our proclamation, I shall leave them to your Justice or Mercy, as you find them guilty or otherwise in relation to the late Maſſacre. It is now above a month, since I sent you the Resolutions of our Aſſembly for the Releif of your province, but have not yet had any answer either as to you receiving the Duffells, or the application of the £1000 for the service of your Country: I shall be glad to find the circumstances of your Affairs are not now so pressing as they were then represented, & one would be inclined to believe they are very much bettered, since the meeting I proposed with you, or some deputy from your Government to concert measnres for the more effectual application of that Supply has been so long delayed—for my part I have hitherto suspended all my thonghts thereon, because as I have already told you, I expected such a meeting, & have nothing more at present to add, but that I am

Sr

Your most obedient humble ſervant.

(No signature)

GOV POLLOCK IN REPLY ON THE SAME SUBJECT.

Choan, N. C. 23 December 1712.

Hond: Sr

I want words to express the miſerable state of this poore Countrey—For Coll: Moore (who is a gentleman seemingly of great worth) not finding proviſions ready at Bath County for his forces, was neceſsitated wth all his Indians, being about nine hunder, to march into this County wher they muſt by deſtroying the place untill proviſion is carryed round, and men raysed here to join them—The want of having proviſion carryed round was cheifly occasioned by the ignorance and obstinacy of our Aſſembly, of all wch Capt Jones can give yr honr a particular account—

Now being informed by Coll: Moor that the Tuſcororoes have taken into their Forts, having in his comeing in laid three days befor on of them, And thought it unadviſable to stay longer, being in want of proviſions, Tools and some more whitt men, his indians not being very ready in attacking Forts w^th^out Engliſh—For wch reaſon, what men of ours can be rayſed muſt March wth him, who are generally badly provided in clothing to march this seaſon—

Wherfor would earnestly entreat yr: honor to order the duffells for us at Mr John Cottons at Blackwater, Likewiſe a doſen spades, twenty braſs pans, and about fifty or ſixty hand granads, they being very neceſſary for the ready takeing of the Forts. I shall have a boat or cannoe at John Cottons on Monday nixt. It will be of extraordinary ſervice to the Countrey at this time For the Army being, to march out the firſt of the nixt month, If it come not before that time ſhall have no men to goe out—

As for yr: honor^s^ diſpoſing of the money by your Aſſembly, it being impracticable for any of ye Forces to come at this time, not only by reaſon of the Badneſſ of the seaſon, and the want of proviſions being yet carryed round, but chiefly to have y^r^ Forces as a reſerve. For I hope that Coll: Moore, wth his, and ſome of our men will be able to reduce our enemy Indians to a low Condition by the midle of Febry next; by wch time it is probable that many of Coll: Moores' Indians, having got Slaves or other Booty may deſert. Only about two or three hunder wch Coll: Moor doubts not he can keep, so that If then we can have ſome forces from you, they may be a great means to give the finishing stroke & bring enemys that ar left to a Peace on Reasonable terms. And intend to ſend in ane agent in Convenient time before them, at wch time yr: honor may order matters as you ſhall see the poſture of our affairs at that time requires, of wch ſhall particularly informe y^r^ honor from time to time—I have oftеn complaints brought to me of the inſolency of the Meherrin Indians on this ſyde Meherrin River, wth a jealouſy of their Killing and driveing back the peoples stocks, on John Beverly, who lives near them, againstt whom they have a great hatred, haveing had a mare or twoe ſhot lately—Alſo having ordered the Rangers and hunters, for to take upe any Indians they should meet wth on this ſyde Meherrin River; and haveing taken on of them, brought him in to the for s^d^ Beverlys—in a little time about eighteen of the Meherrin Indians came upe, moſt of them armed and forced them to lett looſe the indians they had taken, giveing them threatening and abuſive language—so that beſydes their Killing the peoples stocks, ſupplying the Tuſcaroroes w^th^

ammunition, i am in great doubt they may doe further mifcheif on this shore, and lay it on other indians—All wch I hope yr: honor will either redreff; or not take offence If wee take such meafures wth them as wee fhall see moft for our own fafty—Tom Blunt, the indian comeing in befor I had finifhed hath hindered my sending thes two dayes, so that i beleive if the boat or cannoe for the duffells be at Mr Cottons by Wednesday the laft of this month, it may be time enough—Coll: Moore hath promifed Tom Blunt, (upon his being true to the Englifh) protection, and to fecure him and the people of his Fort from his indians—Tom Blunt is very defirous of having in, his brother (as he cals him) and his coufine now in your prison, whom the Bearer Wm Charleton our interpreter knows—whom if your honor will be fo favourable as to let us have them fent to Mr Cottons, to be brought downe in our boat it will be a great Kindneff, and may be of great fervice to us, Blunt accufing us, for giveing him nothing for all he is done only words, as he fays—He had intended to have come or fent in now, to yr: honor, But Coll: Moore intending to march in by his towne, he thought it neceffary for him to be at his towne; of all wch our interpreter can give you a full account—

Hon^{d} S^{r}, I am afhamed that neceffity forces me to trouble yo fo much. But I doubt not ye will confider our prefent Condition, And Continue y^{r} Favours to us, wch fhall be planted in indelible charectars in his heart, who is

Hon^{d} S^{r}

your most obedient Humble fervant,

THO: POLLOCK

Hond: S^{r}

Tom Blunt just now informes me of on Meherrin Indian latly at his towne, named Tut-sech, baf: queat—fo that it is not to be doubted but that they supply them wth what ammunition they ufe and cary what newes they know of—wch I doubt not y^{r} honor will confider

T. P.

[From Calendar of Virginia State Papers. Vol. 1. p. 159.]

GOV. POLLOCK'S REPLY TO GOV SPOTSWOOD ON INDIAN AFFAIRS AND THE PROPOSED AID TO THE PEOPLE OF N. CAROLINA.

Choan, N. C. December 28th, 1712.

Hond Sr

Yours of the 13th Recd by the Indians last night, wherein, I obſerve that I have not anſwered yrs: of Nov. the 18th so fully it seems as I ought to have done—First as for the Duffells, I gave your honor acot of the great want of it, and intended to have ſent for it as ſoon as i understood from yr: honor wher I was to have it. But neceſſity Forcing, begged in my laſt the favour of having it, and ſome other neceſſaryes brought to Sth Key, the charges of wch may be taken out of the £1000. And the 1000lb: left to yr: honors' diſpoſall I thought was a good reſerve for the laſt caſt. And that it was not policy to venture all at on hazard. For Knowing the inſtability of the Sth Carolina indians by their leaving Coll: Barnwell last year, can have no certan dependance of their finiſhing the war at this time—But I concluded that when they had done what they could againſt the Tuſcaroroes, Then what forces yr honor can raise wth that Fund, might I thought, wth our help bring the enemy to a reaſonable peace, as I writt to you by Charleton—And as for a declaration of war againſt our enemyes I propoſed it to the Counsell here, who after due conſideration, thought it altogether unneceſſary, after haveing paſſed here severall Acts of Aſſembly declaring warr, and after the continuance of the war againſt them 15 months & several of both ſides Killed and taken & indeed it ſeems to me a little prepoſterous. Whow ſoever, if the upper Towns of the Tuſcororoes doe not performe their Preliminary Articles i intend to lay the breatch before the Counſell, and have a Proclamation issued out declaring warr, and ſend in one of them to yr: honor. wch i hope may Remove all ſcruples—As for sending for the indians Priſoners, i was very willing to ſee firſt if ther indians would have kept their Preliminary Articles wth us, firſt, haveing no Prisons to Keep them in here—Your honor needs not doubt but that the favour of the duffells & money was accepted of here, wth all the acknowledgement and gratitud wee wer capable of Eſpetially being to be lodged in yr: hands who wee know will manadge it for our beſt advantadge, as you will see by the addreſſ of thanks from our Assembly wch i hope ye have Recd by Charleton, before now, being disappointed of it a long time by the mismanadgement of some Persons whom the Aſſembly truſted, of wch Capt Jones can give the best account—

I had sent in a Depty: or twoe before now, to concert what measures your honors thinkes beſt in laying out that money—Only thinking that ther was no preſent neceſſity of laying out any (ſave only for the cariadge of the Duffells & the other things sent for the Sth Key) And lykewiſe all our men capable to be sent as deputys being otherwiſe employed in that troublesome juncture, thought it might be delayed until the army was marched out—It is true proviſions is lyke to be very short wth us, But I will ſtrive hard to provide the army (if poſſible) And had rather the Inhabitants should pinch a litle this ſummer, then the money be imployed for that uſe, wch I doubt not yr: honor, will find wayes to imploy it more for advantage—And intend as soon as the Army is out and have a litle proſpect whow (how?) our affaires are lyke to succeed, then to ſend in a depty or twoe to give yr: honor a true ſtate of our Condition, and to agree on ſuch meaſures as you ſhall thinke moſt advantageous for the peace of this Government—

As for Hancock, it is time they had obliged themselves to deliver him both to you and to us, And having brought him in here, and the offence he had committed being againſt this Govern^{t}, And as wee apprehended, it was on account ye preſſed his bringing in, so that it never entered our thoughts that ther was any neceſſity of ſending him into you, or that you deſired it, otherwise wee would certainly have sent him in by Blunt, who was very willing to goe—And I am confident non in this Gover^{nt} ever imagined ye wonld have ſheltered him from his deserved puniſhment—

Hon^{d} S^{r} I would have sent a boat or a cannoe to Sth Key before now, But I proteſt it is as much as wee can to spare this cannoe now to send—All the boats & cannoes wee can gett here, not being sufficient to cary proviſions for the indians who ly here destroying the place untill proviſions is caryed round to Bath County wch I hope now will be in a ſhort time—

I am well ſatisfyed that ther is a receaver Gen^{ll} come in, by whom I hope wee ſhall have some Inſtructions from the Lds: Proprietors, And should be glade to have the honor to see him here.

Hon^{d} S^{r} If I have miſſed in this or my former, threw inadvertency or miſapprehenſione, I hope ye will impute it to the great preſſure of buſiness I now ly under—The army here to be provided for, Proviſion and some other ne ceſſaryes to be sent round to Bath County, men, horses and arms to be rayſed and twenty other things, too long here to Recite, The Counsell not near mee, all wch I hope yr: honor will conſider, And aſſure you ther shall not the least thing ſlipe me intentionally, that

may any wayes offend you, but shall approve myself on all occafions to be

Hon^{d} S^{r}

Your most obedient Humble servant

THO: POLLOCK

[Extracts From Journal of South Carolina House of Assembly, 1712.]

[No. 4—Page 4—Page 363 in original.]

Upon reading the 4th paragraph in Gov^{rs} speech

Resolved;

That the Governor & council be addressed to use what means they shall think most speedy & convenient to obtain intelligence from North Carolina of the state of our friends, enemies & our own army lately sent there, & that this House will readily concur in the charges incident to that design.

[Page 7—Page 368 original.]

Ordered That Thomas Nairne & Henry Noble Esq^{rs} carry the following message to the Governor & Council; vizt.

May it please your Hon^{rs}

The House of Commons taking notice of that part of yr Hon^{rs} speech recommending to us the consideration of some means, to be used to gain intelligence from North Carolina of the state of our friends, enemies & our army lately sent there; do not think we can more effectually answer that intimation, than by requesting yr Hon^{rs} to take such measure therein as you shall think most proper & expeditious, assuring yr Hon^{rs} that this House will readily concur with an order to defray the charges incident thereto out of the Public Treasury.

Wm RHETT Speaker.

[Page 8—Page 369 original.]

The House mett according to adjournment.

As Messages from the Gov. & council by Thomas Hepworth Esq. with a written message viz:

Gentlemen;

We are glad you concur with our opinion in sending to get the quickest intelligence from North Carolina, the endeavors, that have been used hitherto proving fruitless, we intend forthwith to send a vessel to Virginia believing the most effectual way to assure our end.

We have further under our consideration that it is necessary to send up to our Creek Indians, & use the best methods to keep them at home to prepare them to be in readiness to go to War against our Norther enemies, in case it shall be found requisite, when we have advice of the circumstances of our affairs in those parts.

We do further believe it advisable to send to our Northern Indians the Elaws & Wacksaws &c to assure them of our protection, & that we will take the best methods we can to keep them from the insults of their enemies, and encourage to plant good quantities of corn to supply our forces in case we shall have occasion to send any that way.

CHARLES CRAVEN.

[Page 93—Page 77 in original.]

Ordered: That Mr Henry Wigington & Mr Ralph Izard wait upon the Govr & Council & acquaint them that if they have received any Letters or Memorials from the Government of North Carolina, they would please send them for the perusal and information of this House. Henry Wigington Esq & Mr Ralph Izard being returned informed the House that they had acquainted the Governor & Council with the Message of this House, who answered that this House should hear from them immediately.

[Page 78 in the original.]

A message from the Governor & Council by Thos. Hepworth Esqr who brought the following message in writing.

Gentlemen:

The private instructions of Mr. Foster received & signed by Governor Hyde, we send you with this upon which he grounded that address he delivered to you this day, indeed his credentials are short and not regular, but we attribute that to the circumstances they are under, some charges he was to answer if any complaint was made by Col. Barnwell either on the Govr or Government, but no such thing appearing before us in publick manner, we look only upon the means how to succor them & therein must desire yr assistance, that nothing may be wanting on our parts to save them & secure the province to the Lords Propts

CHARLES CRAVEN.

FOSTER'S INSTRUCTIONS

After having Canoe hands, provisions & other necessaries you are with the first conveniency & all the expedition you can make the best of yr way to Charles Town in South Carolina. When you are arrived deliver

yr Letters as they are directed & with all the expedition you can take the advice of some person you think most capable to advise you on the best & quickest methods in managing the concerns you go about which are:

First; To obviate what misrepresentations & false aspersions may have been cast upon the Governor & Government (if any such be) by Col. Barnwell or any others. Then you are to use yr utmost endeavor to procure if possible 1000 Indians for our assistance with a few white men under a good Commander of known courage & conduct, that will not be biased by fear, friendship, or interest to represent to them that Col. Barnwell being much disliked here will not do well for that place.

Lastly; You (are) must endeavor to procure us 10 or 12 Barrels of powder, with shot answerable, & 2 or 3 thousand good gun flints.

For the first you must endeavor to find out what false representations or reflections hath been cast upon the Governor or Government, by Col Barnwell or any other & seeing the only thing he seemed to complain of here & to lay as the cause of his bad success, especially in not taking —— Fort was his want of provisions, If so, you must lay before the Governor & Council, That by reason of our disturbance last summer with Col. Cary & by reason of the great drought we had there were very small crops of corn made here, & likewise the Assembly a short time before Col. Barnwell's arrival, refusing to agree to the raising of men & provisions for the defence of the Country & then having no notice of Col. Barnwell's coming until his arrival, was the reason we were not so well provided at his arrival as we would otherwise have been.

And then we must lay before them that before the men appointed by the Assembly, that was after Col. Barnwell came in [Page 79—in original Page 95] could secure the corn to be spared in each of their Districts all of the people that had any corn to spare had laid it out with the vessels, & it was conveyed out of the country. But you may assure them that the Govr used his utmost endeavor both himself & by his friends to supply them. You may likewise lay before them that the fewness of the vessels here, & the difficulty and tediousness of the passage from this Country to Pamplico & Neuse, with the greatness of the number of the people there to be maintained was a great hindrance. That Col. B's army (may be) was not as fully provided for as we desired.

You may likewise lay before them that they were never in such great want of provisions as to hinder them from any action as particularly at Hancock's where you having been present can particularly inform them that the whole forces stayed there 3 or 4 days after the fort could have been taken.

Then as for procuring assistance from these you must lay before them we are in great need of assistance as ever, Our greatest & most numerous Enemies the Tusquerora Indians being little or nothing, either weakened or discouraged having lost but about thirty men by the best information we can hear, since Col. B's arrival here & then Col. B & all his forces having been against Hancock fort twice & not taken it hath much encouraged them.

Then as for the pretended peace that Col B said he had made with them, that there is nothing in it, Barnwell himself saying it was a sham business to put them off until he was better prepared for them, neither hath he ever yet given accounts to us what it was, & then if there was a peace Col. B himself hath broken it by killing & taking several of the Indians since, who being along with Tusqueroras in Hancock Fort, were equally concerned in the peace with them.

You may likewise lay before them the late massacre of the people at Neuse & the shooting of some negros at Movetticos so there is great necessity of present help, which we the more earnestly desire of them, not only as being under the same Queen, the same Lords Prop^{rs} in the same Province but because we hope they will finish a good an honorable work as they have begun.

And likewise represent to them that help from Virginia or from the Cyneper Indians by means of the Govr of New York [Page 96—Page 81 original] would not do so well, neither for us, nor them, it being a fair way for the Lords Prop^{rs} to lose their Province to the Queen by reason of not being able to defend it. And that if the five nations of Indians should come in and destroy the Tuscaroras they would not only have all the advantage of the slaves but by pretending a privilege in the Tusquerora country that they had conquered, they would become bad neighbors to their Indians, either to destroy them, join with them against the Government.

Then you must lay before them the great advantage may be made of slaves, there being many hundreds of (them) women & children may we believe 3 or 4 thousand.

Next you may represent to them, that for their Indians subsisting when they come in, the Tusqueroras for their own relief, as we are informed have planted great quantities of——which is generally ripe next month, as also generally here their is appearance of good crops of wheat which is safe got in (no grain being to be transported) will be sufficient to maintain them.

Then lastly as for the ammunition, you must lay before them the general want of it, & that the effects of this country not being very vendible in Virginia will not purchase it. But knowing that they are generally in want of corn, if they send in ten or 12 barrels of powder, with shot answerable, and 2 or 3000 flints that the Government will take care here if they will send in Vessels & take their price for it next Spring, or they shall have it here in Indian corn, at country prices which is twenty pence a bushel, otherwise the Govern will send next Spring effects to raise the money as to pay for it.

EDWARD HYDE.

[Page 82 in original.]

Ordered; That the said message be read, which was read accordingly, as also the said instructions.

Ordered; That Mr Sam[l] Wragg & Henry Wigington Esqr carry the following message to the Gov[r] & council.

May it please yr Hon[rs] The House of Commons is ready to concur with you in prosecuting the most speedy means for the relief of the Government & people of North Carolina, & in order thereto, this House prays a grand conference of both Houses this evening at such place as yr Hon[rs] shall direct.

[Page 99—Page 85 original.]

Friday August 8th 1712.

The House met according to adjournment.

Read: The petition of Col. John Barnwell.

Ordered: That it lie upon the Table.

[Page 101—87 in original.]

The House resuming the Debate on the affairs of North Carolina, & the assistance of that Government again implore from hence.

Resolved: That this House will again assist their Brethren of North Carolina, & prosecute the war against the Tusqueroras by applying the money yet unexpended of the sum of £4,000 raised for the relief of that Government.

[Page 226—206 original.]

Thursday Dec 17th 1713.

Upon motion

Ordered: That a Bill be drawn and prepared for settling a communication between this Province & North Carolina & that committee be appointed for that purpose, & that Col. Robert Daniel, Col. John Fenwick, Maj. George Evans, M[r] Arthur Langhorne, and M[r] Benj. De La Conseilliere, or any three of them be the said committee, and they to bring in the same next session.

HOUSE OF ASSEMBLY, No 4, 1712.

[Page 102.]

The House taking under consideration the great service performed by Col. John Barnwell in the late expedition against the Tusqueroras for the relief of the Government of North Carolina.

[Page 89 in the Original.]

Resolved; That the thanks of this House be given to the said Col. John Barnwell for his said services.

Ordered; That Col. John Fenwick Capt. Peter Hann & Mr Benjamin Godin wait upon Col John Barnwell & return him the thanks of this House for his great services performed in heading our forces in the late expedition against the Tusqueroras for the relief of the Government of North Carolina.

The House adjourned to the Morrow morning 8, o the eloek

SATURDAY August the 9th 1712.

The House met aecording to adjournment.

[Page 140—Page 129 in Original.]

The House taking under consideration the great service performed by Col. John Barnwell, a member of this House, in the late expedition to North Carolina against the Tusquerora Indians in actual rebellion against that Government.

Resolved;

That the sum of Sixty pounds be presented to the said Col. John Barnwell, by the Publick Receiver, out of the Publiek Treasury as a Publick mark & testimony of the acknowledgement of this House for his extraordinary serviees performed in the late expedition against the Tusqueroras.

Ordered;

That an order be drawn to that purpose, & signed by Mr Speaker and sent to the Govr & Council for their Concurrenee.

[Page 158—Page 147 in the original.]

A message from the Governor & Council by Thomas Hepworth Esqr with a written message relating to Col. John Barnwell with several papers &c.

Ordered;

That the said message & papers lye upon the Table for the perusal of the members of this House.

Gentlemen;

I will be always with the greatest regret when I am obliged to lay anything before the House that may touch any members of that Body, where I have received so many favours, & for whom I conceive so just a respect. The Honor of your House being concerned as well as my own makes me send you the enclosed papers, that you may better know how much Col. Barnwell hath done in the service of his country & what reward he meets. I always thought both Houses readily concurred in sending another army to North Carolina, but I find by Col. Barnwells Letter to Col. Hyde, that it was wholly owing to the great interest he had in the assembly, otherwise our Brethren had been wholly neglected by us; they had suffered more had he been absent from Parliament, than South Carolina did by his being sent thither.

[Page 159.]

But, whatsoever, affront he put upon Mr Hyde when in his Government he intended to have made satisfaction by preferring to this. I must own his country would have been obliged to if he had succeeded in his design, but I have not faith enough to affirm his Interest would have prevailed.

When I reflect after what manner he hath treated you Gent. I can hardly stop my resentments, but by remembering he is one of yr body for whom I have so great a veneration.

CHARLES CRAVEN.

Ordered: That the papers sent by the Governor to this House together with the said messages, be read, and accordingby the following papers were read, viz.:

COL. BARNWELLS LETTER TO GOVERNOR HYDE.

SOUTH CAROLINA, Aug^st^ 18, 1712.

RIGHT HON^r^ It is seven weeks since my misfortune, & I fear it will be as much more before I recover my limbs, which the chirurgeon gives me hope of recovering In the meantime I suffer inexpressible torments, that I write this in great haste. I hope you will find (me) that I have been a faithful friend to you in all respects which I would be more able to be, had I been well and done myself the Hon^r^ of waiting on you. I am not able to enter into particulars, because of my pains, only I assure

you that notwithstanding all the good diligence of our two good friends the Governor and Mr Hart, our Assembly would let the war fall, except only by the Indians. Had I not taken the part of poor North Carolina & represented y^{r} case & by my influence which is considerable, caused them to exert onee more, which if it does not succeed, I did engage, if I recover to go myself, at my own charges. I am sorry I cannot enter into particulars. Mr Mitchell's deposition is truth, only I am sorry he is so reserved as not to tell all, I affirm upon interrogatory examination, you would be surprised to find the time & alteration that would be given to the whole proceedings, he was my bosom friend, and knows the very bottom of my designs. I did nothing without his advice & consent, and even when I hesitated about anything, he would tell me, lay him in the Gapp—I took him to be a gentleman of Hon^{r} & probity and do still believe upon occasion he would do me justice.

As to the other Deposition, I am loth to say the Gent swore [Page 160—Page 150 in original] falsely it may be it was to the best of their knowledge. Prejudice caused them to see them in another (light) dress than they were designed, but as they swore several matters of fact most falsely, so I can procure twenty evidences to the contrary. I am not ignorant what was the design of these depositions, & I call God to witness my sincerity in serving you, & North Carolina that I did not deserve such unkind usage from thence. It is my comfort that my country has resented my service after another manner, & tho' yr Hon^{r} had the benefit of them yet in a most solemn & hon^{l} manner, they returned me their thanks &c, & I hope by this time you will likewise have another opinion of me, and as I have done on y^{r} acct. here all the friendly offices I could, you would be pleased to intercede in my behalf, with yr Assembly to do me Justiee. If this misfortune had not befallen me, I should never trouble them, but this having disappointed all my projects, I am forced to become supplicant to you, & if I live to go to Great Britain I do not doubt so to represent you, that if the Lords proprietors do not find a more advantageous way of rewarding industry of serving their interests, that at least South Carolina may be offered you, besides my blood lost in South Carolina, & the misery I do still undergo for their sakes. I lost five horses that cost me £84. I disbursed about £50 at several publick works of which I have a voucher of £39. for Corefort, the rest being small sums, I disbursed for rum & other necessaries for the sick & wounded men to Capt. Drinkwater & others about £16; for this I have the voucher, & by an act of Assembly, I was to have 20^{s} a day. I crossed Neuse River 28th day of January, and was wounded the 5th day of July, 3 days before I got into South Carolina Government.

I could have most of these demands paid me by the Treasury here, only I was willing the money should be employed in a second expedition, on condition the Government would address you to get me paid in North Carolina. I will not apologize for giving you this trouble because I hope to give you sufficient proofs of my real friendship, so that you may have no reason to repent of doing me a kindness; wishing you succession of health & prosperity I conclude

Your Hon^{rs} most affectionate
friend and faithful servant
JNO. BARNWELL.

[From the MSS. Records of the Friends Monthly Meetings in Pasquotank Precinct.]*

At a Monthly Meeting Held in Pasquotank at Symonses Creek the 21st 12th mo 1712—

Frends Meet &c. The frend appointed upon ac^{t} of John Turner & Esther Belman makes report he hath so done

And the said Friends appearing Desired that they might be Clear from each other

Friends desired them to be Careful not to do the Like any more

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DE GRAFFENRIED'S MANUSCRIPT, COPIED FOR *THE COLONIAL RECORDS OF NORTH CAROLINA* FROM THE ORIGINAL MSS. IN THE PUBLIC LIBRARY AT YVERDON, SWITZERLAND, AND TRANSLATED BY M. DU FOUR.

Preface.

Though Several persons have asked me to relate my sad adventures in America, I should not have felt disposed to it,—had I not been very glad to Justify myself, as well towards my Society, as towards some other people, which could perhaps have had "*sinister*" thoughts about my behaviour, as if I had undertaken that colony with levity and imprudence, or as if I had spent my time in Carolina, in luxury and leisure, in what they would be greatly mistaken, and this relation will prove the contrary. There will be found in it some particulars which might

have been omitted, but, on account of the disorderly proceedings of some people,—who acted dishonestly towards the poor colonists and myself,—having gone as far as the blackest and most unjustifiable deeds, I could not but mention them (though very charitably since I name nobody), in order not to be accused myself, and to bring my innocence to light.

Motives of my departure from Bern.

Of course some will be eager to know for what reasons I came to an undertaking so great and so far off from my native country; some know them, and for them it is unnecessary to point to them. The others will have to content themselves by knowing that, from the very time when I had the honor to be at the deceased duke of Albemarle's who was then established by the King Charles II as viceroy of Jamaica, by the relation which he made to me of the beauty, goodness, and riches of English America, I conceived thereof such a flattering idea, that on the urgent invitation of that lord, I should have gladly followed him in that travel, if I had not been dissuaded from it by the strong remonstrating of my parents, who wanted me to settle in my country. But notwithstanding all the pleasantness I could enjoy there, there was always, so to speak, some charm and attraction for me in the above mentioned countries. As fortune did not eye me as favorably as I could have wished, after I had ended my great and important lieutenantship (bailiwick) of Yverdon, to the satisfaction, thank God, of my lords,* of the neighboring States, and of my dependants, with a good and clean conscience,—but having made no money, on account of several mishaps,—as I was not a man to enrich myself at the expense of my poor dependants, besides, on account of the troubles in Neuchatel, which were the occasion of much loss to me,—seeing that the new Reform deprived me from any chance of obtaining some new and profitable office for some length of time,—I conceived the hope of making a more considerable fortune in those far off countries of English America.

In order to care better for my numerous family, according to my character and rank, I took the strong resolution to undertake that important, dangerous, long, and toilsome voyage,—with all the more courage that I was solicited to it by letters, as well from the said countries, as from London.

I hesitated a long time, whether I should communicate my plans to my friends and relations, but, foreseeing that they would deter me from them, I said nothing, even to my next relatives, and started secretly. How-

* The Senate of Bern, (Translator) which he represented as a bailli.

ever, before leaving the country, I stopped, on the frontier, at a friend's, and made some disposition about my private affairs, which I had not been able to settle before my departure, and sent it to a relative with an exposition of my design, but, unluckily, that parcel of papers was either intercepted or lost. This loss was the cause of much trouble and confusion; receiving no answer during eight or ten days, I departed with a firm resolve not to return any more; but man proposes and God disposes.

When I arrived in Holland, certain persons of note would have nearly averted me from my purpose in making other propositions to me, but not finding them suitable to my taste, I pursued my way to England, where I at once met my friends. Some persons of high rank and distinction encouraged me much in my plans, and promised to help me as much as possible,—so that I could conclude a contract, on the proposition of the Lords Proprietors of Carolina, by which they granted to me very favorable conditions and privileges for the foundation of my colony.

My sojourn in London,—and arrival of ten thousand Palatines & Germans.

At that very time, more than 20000 Souls came from Germany to England, under the name of "Palatines," but intermingled with many Swiss and people of other German provinces,—a fact which gave much anxiety to the Court, as well as to the inhabitants of London and neighboring provinces, on account of the great trouble and enormous expense caused by these people. Therefore an edict was promulgated, on the Strength of which everyone was allowed to take Some of these people to take care of them,—and a great number of them had been sent into the three kingdoms, with less success, however, than was expected, partly on account of their idleness, partly on account of the jealousy of the poor subjects of the realm. And so it was resolved to send a great part of these people to America, to which purpose the queen contributed large sums.

Assistance of the Queen for the transportation of my people to Virginia and Carolina.

In these circumstances, several distinguished persons which knew about my enterprise, advised me to avail myself of so favorable an occasion,—and gave me some hopes that if I took with me a considerable number of those people, the queen would not only assume the expense of their transportation, but also bestow upon them considerable assistance,—this really took place and this last sum amounted to 4000 lb. Sterling. The Queen or the Royal Council had promised to give lands on the River Potomac, as many as we should desire, with strong commendations to the

Governor of Virginia. All this, with the advantageous promises of the Lords Proprietors of Carolina gave not little authority to my undertaking, for which I hoped to achieve a consumation not less successful than its beginning appeared to be.

Measures taken for the transportation of the colonists.

I accordingly took indescribable pains for the transportation and subsistence of that new colony: (1) I selected to that object young people, healthy and laborious, and of all kind of avocation and handicraft; (2) I laid up stores of all kinds of implements; (3) good provisions of victuals; (4) good ships, well equipped, also good stewards and overseers, to take care of everything and to maintain these people in good order and discipline; (5) and in order that no negligence or fault might be charged upon me, I did or undertook nothing without the knowing, advice and instruction of the royal committee. (6) I had appointed as first directors of that crowd three persons, notables from Carolina, who happened to be then in London, and who had lived already several years in Carolina. One was general-receiver, another general Surveyor, the third a justice of the peace; all of them appeared to that effect before the Royal Committee, where they received their instructions and were confirmed in their authority above these people on sea and on land, (in my absence); indeed, I could not depart then on account of a small colony from Bern, which was to follow shortly afterwards,—besides I had some other business, which I had to attend to; (7) I had selected from among that crowd twelve subdirectors, both sensible and able,—and gave them charge to take good care of the others.

Visit of my lords assessors of the R. Committee to the Ships etc.

After the Royal Committee had confirmed all the contracts passed between the Lords Proprietors, myself, and those people, and ratified the clauses on which we unanimously agreed, I requested the Lords of the said Royal Committee to kindly commit a few members to visit the transports, to see that everything was in order, as well concerning the provisions, as concerning the sailors, the ship itself and the space, and to warn the captain of the ship, that he should support and feed those people sufficiently and cleanly. Those measures were taken and recorded by the Royal Committee.

Departure of the colony.—Convoy of Rear-Admiral Noris.

On the day before the departure of that Colony, I went with Mr Cesar, the German minister of the Reformed Church of London, to Gravesend,

to comfort and cheer up those people and to wish them a happy voyage; I stated in a little speech all that I could judge to be good and proper in the circumstances, and the Rev[d] Minister made a sermon full of feeling on the subject. As to me, I could not sail with them at the time, as I expected still another small colony from Bern, as stated above, and some members of my Society, with whom I was desirous to meet in order to discuss different particulars about that important enterprise, and to take afterwards the adopted measures. And so, after having commended them to the divine care and protection, I ordered their departure,—with many precautions however concerning the war. To that effect I had obtained from the Earl of Pembroke, great admiral of England, this signal favor,—that he ordered Knight Noris, rear-admiral, to escort both our vessels with his squadron as far as the latitude of Portugal.

Causes of the death of many colonists.

Though in January (1710), the weather then was very mild, but when they had crossed the channel they were overtaken by such a terrible storm and by winds so contrary that it took them 13 weeks to cross the sea. For that reason, those poor people were much worried and all fell sick, to which state of things the salted food, to which they were not accustomed, and the lack of space,—both were much conducive. More than half of them died on the sea and many died for drinking too much water and eating raw fruit to excess after the landing. In that way, that colony was shattered before it had settled.

One of the vessels plundered by a French captain.—1st Mishap.

N. B. One of these vessels, loaded with the best goods and most well-to-do colonists had the misfortune to be assailed and plundered by a French captain, at the very mouth of James River, in sight of an English man of war, which, being anchored and partly dismasted, could not come to its help. *This is the first storm of adversity.*

Arrival of the Palatine colonists in Virginia.

After what was left of that colony had recruited and restored themselves a little in Virginia, where they had been welcomed, they started with their goods and chattels on their way to Carolina; they had 20 miles* to go by land, what took much time and money,—indeed, they dared not

*The MS. has it, textually, 20 miles (written in figures). It probably stands for more. (Translator.)

to go at sea on account of the privateers,—and besides, the waters are so low at the mouth of the Carolinian rivers, that big ships could not cross their opening and sail up stream.

Arrival of the Palatines in North Carolina.

They arrived in the County of Albemale on the River Chowan, at the residence of a rich settler, Col Pollock, of the Council of North Carolina, he took care of them, supplied them with all necessaries, *sed pro pecunia*, for money, and put them into great boats to cross the Sound and enter the County of *Bath*, where they were located by the Surveyor-general on a tongue of land between the News' and Trent rivers, called Chattawka, where afterwards was founded the small city of New Bern,—and here begins the second cross accident.

Indeed, that Surveyor general, instead of settling these poor people, every one on his own plantation, in order to gain time and to enable them to clear and clean out their lands, located them, in his personal interest, on part of his own land on the southern bank of the river Trent, *at the very hottest and most unhealthy place*, instead of locating them at least northwards on News' River, where they would have found a cooler situation. What, furthermore, was very dishonest in that Surveyor, is the fact that we had paid him a heavy price for that piece of tongue of land, about one thousand "arpents,"* not knowing that he had no title to that and that the place was still inhabited by Indians. He sold it to us as free of all incumbrance and attested that there were no Indians on it.

There those poor colonists were forced to stay until September in the greatest poverty, and to sell nearly all their clothes and movables to the neighboring inhabitants, in order to sustain their life.

I leave it to the reader to think how this sight impressed my little Bernese colony, which unto then was in want of nothing, had a happy voyage, from their departure to their arrival in Carolina, in a good season, well supplied with all kinds of provisions, well equipped, with plenty of room on the vessel,—when their eyes presently beheld such a sad state of things, sickness, want, and desperation having reached their very climax.

The colony in great distress.

I could not enough insist on the wretched and sorrowful state in which I found these poor people on my arrival; nearly all sick and at the last

*"Arpents" an old French measure varying in different provinces from 3 roods to 2 acres English. (Translator.)

gasp, and the few who had kept their health despairing entirely. God knows in what *labyrinth*, even danger for my own life, I found myself then!

2d mishap.

But before going on with my relation I will also mention my departure from London, and afterwards I shall continue the successive narration of events; it will not be out of purpose to speak also of my departure from London and then go on. As my Palatines departed in January 1710, I followed them and departed myself from Newcastle at the beginning of June, with my Swiss, who embarked in Holland, under care of two of my associates, in a ship from New England, having contracted with the owner, a merchant from Boston, the capital of that province, for their transportation, as the ship was about ready to sail.

I departed from London at the end of the month of May, and took for that a very convenient coach, which is most like to the "diligence" or stage-coach from Paris to Lyon. I cannot but speak of something which I remarked on that travel. As I had to stay, over Sunday, in a small town called Strafford, I was anxious to see the country-seat of the Earl of Essex, where I was most civilly received. After having seen all the apartments and curiosities which are found in that magnificent palace, I observed in a great cupola excellent pictures, and in the Earl's private room a great many curiosities, but in a fine hall I nearly caused the company to laugh, in the following way. I thought I saw on a marble table a lute, flutes, and other musical instruments, a few books of music, a pack of playing-cards carelessly thrown down, a small bag of game-counters and-fishes, and several other trifles. When I came nearer the table I saw that all that was only painting instead of the real things which I fancied. Assuredly I was most surprised to see the work of a second *Apellès*. What was most striking was, that the surface of the table was as well polished as if the whole had been naturally grown in the marble. After having been refreshed with a very good collation, I expressed my thanks and took leave to pursue my way.

After a few days' travelling, we arrived at York, where I had just time enough to view the structure of the cathedral, which is very beautiful, and from there I saw nothing very remarkable, until I came to New Castle.

Lieutenant-Governor of North Carolina.

The cause of all my misfortunes was the behavior and faithlessness of the superior and inferior Inspectors, but above all the temerity, faithless-

ness, avarice and lack of charity of *Colonel Cary*, from which causes proceeded not only the above stated misfortunes, but all other misadventures, and my own, as well as the colony's, total ruin. That colonel availed himself, at that time, of the Governor's death to meddle, (against every right and justice, and against the orders of the Lords Proprietors), with the government, yea, I know it from a certain source, he proposed to fill his pocket with the income of the Lords Proprietors and to sail for Madagascar, a favorite resort for all kinds of thieves and pirates.

Third Mishap.

This same Colonel Cary, when the new Governor, Mr Hyde, a near relation to Queen Ann, the three directors above mentioned, and I, pretended to exhibit before him and the Council our patents, orders and letters, impudently turned us away, in defiance of the injunctions of the Lords Proprietors, refused to hear us, and scorned all our protestations, so much so that all the fine promises of the LL. Prop^{s} on which I relied and on which all that enterprise was founded were useless and came to nothing. This brought me with the whole colony in dreadful troubles and unutterable anxieties, and had an influence on all mishaps which took place since.

Rebellion of Colonel Cary and his followers.

Finally, that C. Cary became an open and declared rebel and brought together a gang of tramps and rioters by means of promises and plenty of good drinks to which he treated them,—so much so that the new Governor, Mr Hyde, dared not to undertake it to put himself in possession of his Government by force,—all the less so that his letters patent were not yet ready, although orders had already been issued, on the strength of which Col. Trent, Governor of South Carolina was to install him, and had already written to that effect to the Council of North Carolina; unfortunately that same Governor Trent suddenly died, which fact was the cause of all these disturbances.

However, this interreign did not suit me, and in such pressing need and want (inasmuch as, on account of the troubles caused by that rebellion, everybody kept his little provisions for himself,) the question was whether I should risk my life, and leave all that colony to rack and ruin, and let them starve, or if I should run into debts to relieve these poor people. In such pressing need an honest man, *a good* christian could not hesitate. As luckily my name and character were good enough in America, where my plans were much talked of,—I first sent to Pennsylvania for provisions of flour; I had luckily already ordered some there

from London, by way of precaution, fearing that affairs would not go on as easily in Carolina as was thought at the time. I did not fail to send also to Virginia and into the Province itself for the necessary provisions, but all that got on so slowly that during that time these new colonists were obliged to sell their clothes and implements, in order to get the necessary victuals from the neighboring inhabitants, and keep themselves from starvation.

In the mean time I took steps to get the land surveyed in distributing to every family its own portion of it, so that they should not lose time, and in order that they could root up the trees, build their cabins, etc. At last the provisions in grain, salt, butter, salt pork, and several kinds of vegetables, were brought to me at heavy expense. As to cattle, it was supplied with difficulty, since our people would not go for it where it could be found, and I could not deliver it to them at their very doors. However, some expedients were found, and our colonists, within 18 months, managed to build homes and make themselves so comfortable, that they made more progress in that length of time, than the English inhabitants in several years.—For instance, there was, in the whole province, only one wretched water mill; the wealthiest people use handmills, and the poorer class are obliged to pound their grain in mortars made of oak, or rather tree-stocks which are dug out, and, instead of sifting it in a regular sieve, they shake it barely in a kind of basket, which operation, of course, occasions much loss of time. On the contrary, our people found out brooklets, convenient to build on them a kind of wheelworks connected with pestles which they put in motion, so by means of water power they pounded their grain, & had their time left for other work, what did them much good. I had myself already begun the construction of a very convenient water-mill. But, alas! as we already hoped to enjoy the fruits of our labors after much expense, trouble, and care,—notwithstanding such cross-accidents, mishaps and inconveniences,—when there was a fine appearance of a happy state of things, the fourth storm of infortune rushed upon us in the shape of the Indians, who plotted a black treachery, the which proceeded from the vengeance and jealousy of the rebel adherents of Col. Cary, the author of all our misfortunes.

Here follows my relation and tragic adventures on my travel to Catechna. I change the Governor's letter into a relation and keep for its time the particulars about the Indian war. This sad adventure is in a relation inserted at page [923], as it consists in a letter written to Govr Hyde, written before this narration.

As the said Col. Cary, by his unruly, "crabbed" and treacherous proceedings, was cause of the commotion and tumult of the whole province, it will not be out of place to mention here something more particular about these disturbances, and to continue the narration of what took place after Col. Trent's, the Govr of S. C's death.

As soon as we had arrived to a village on the frontier between Virginia & Carolina, called *Somer Town*, a small crowd of inhabitants of North Carolina came to greet me and offered the government to me; they insisted among other motives of persuasion, on the fact that it was due to me since, in an interreign, and in the Governor's absence, the *landgrave* occupied the first rank and held the "presidial."* Having already heard from the Govr of North Carolina's death, in London, I replied that though I was duly invested with that dignity of a Landgrave, I would not avail myself, at the moment, of that title. I thanked them for the honor which they did me, and in my turn pointed to the following considerations: "that the new governor, Mr Hyde, was already in "Virginia, that I had been an ocular witness of his election as such by "the LL. Prop^{s}, and had congratulated him in the rooms of these "distinguished gentlemen,—that, far more, he was a near relative to the "Queen,—that he had been approvingly confirmed by her Majesty,— "and that it would be ungracious in me to meddle with such kind of "business,—that, though that lord had not yet received his letters "patent, they could follow soon, and that, accordingly, the inhabitants "of North Carolina ought to make no difficulty in receiving him as "their governor,—the more so, that Govr Trent had already notified it "to the Council of N. Carolina,"—but, as these persons did not like to have such a great tory for their governor, my answer did not please them, —so they partook of a collation with me, and returned home.

Arrival in Carolina.

A few days afterwards, I advanced further in the Province with my people and stopped in the County of Albemarle, on the River Chowan, at the Col^{l} Pollock's, a Member of the Council, and among the wealthiest of the Province. Immediately the council was assembled and they urged much upon me, in order that I should attend it, though I did not want to do it, in such delicate matters,—then, when we were in session, they explained the situation of affairs in the Province. It was not very

*Unless this word "presidial" is meant for presidence, what would be one of de Graffenried's minor errors of expression, it properly means: "*inferior court of judicature.*" Translator.

hard for me to guess that they wished very much to enlist me in their party, as much on account of my character as on account of the many fine people which I had with me and at my disposal,—inasmuch as, on whatever side I should be, I could turn the scales in favor of those which I should join. After due consideration of these matters, it was thought that I ought to write an earnest letter to Col. Cary, putting his duty before him and telling him that, if he would not yield to reason, I threatened to throw myself, with all my people, on the side of the new Govr, Mr Hyde, what, being done, would enable him to other measures. However, he gave me a very proud and impudent answer. Afterwards, having reflected upon his "sinister" proceeding, he repented a little, and we came at last to an understanding, which was subscribed and undersigned on both sides. The substance of it was, that Col. Cary with his followers should recognize Mr Hyde as president of the Council, until the coming of more precise orders from the LL. Proprietors. For the mean time I pursued my way to the quarters where I proposed to settle with my people, to New Bern, from where the Palatines had written to me, with earnest entreaties that I should make haste and bring them the necessary victuals, in the utmost distress in which they found themselves. I therefore got some provisions together, but I could not have enough of them for so many people. Meanwhile some one wrote to Govr Hyde not to fail to come immediately with his family, from Virginia to Carolina, on the River Chowan, to Col. Pollock's, and on a plantation belonging to a good old English nobleman, whose name was Duckenfield, where he found pretty good lodgings.

Colonel Cary comes to Newbern.

When Col. Cary saw that he could not play the trick which he intended as said above, he did his utmost to get artfully hold of the agreement made and contrived cunningly to tear from it his name and signature. He then begun his old course again, and by means of good liquor, rum, and brandy, to which he treated the rabble, he secured many adherents, and they finally came to an open rebellion against Mr Hyde. But, as that disturber of public peace was well aware that he would have in myself a powerful adversary to contend with, he had recourse to the following trick.

Under pretence of a visit he came to see me at Newbern, the place of my residence, where he dined with me. After the meal we drank a bottle of Madeira wine together and spoke seriously; as he was the one who (according to my letters-patent and to the orders of the LL. Proprietors) was to supply me with all necessaries, out of the revenue of the Province,

and refused to do anything, I was glad to have an occasion to blame him for it and to point out, in his presence, to the enormity of his criminal proceedings. Seeing himself convinced by so many good reasons, and on another hand desirous to wheedle me, so that I should not work too hard against him, he promised me, in the presence of 4 witnesses, to deliver to me within 3 weeks, in partial payment of the LL. Proprietors' orders, the worth of 500 lb. sterl. in cattle, grain, and other provisions. Concerning Gov. Hyde he said he would leave things *in statu quo*, and then departed, but I did not rely much on what he said, and told him, in his face, that I feared the acts would not answer the promises.

This trip of Cary had not been undertook without some bad intention, and he achieved what he had planned, then he did not fail to inculcate to all planters of the neighborhood that they should deter my colonists from siding with Govr Hyde, in what they well succeeded, and not one dared to walk out from the quarters, having been threatened that if they did not remain neutral, they would be destroyed by the Indians and Carolinian residents.

Invitation of Governor Hyde.

Some time later, Governor Hyde sent me by an express messenger a parcel of letters-patent, among which was one by which he had appointed me as a Colonel and Commander of the County of Bath; the names of the inferiors were left *in albo;* he left their nomination with me, and earnestly entreated me to assist him with all my might against the Rebels. Knowing well how cowardly was the disposition of my people, I replied to the Governor that my men were by no means disposed to take any part at all, but desired to keep a strict neutrality; this did not please the Governor and soon afterwards there came a more precise order with the express clause that, if nothing could be done, I at least should immediately go and attend the Parliament or General Assembly which was to be held. I could not decline, so much the less, that my titles and public character bound me to do it as a duty, and so I resolved to go, not without taking my precautions, inasmuch as I had been threatened, as well as my colonists, and the road was nothing but safe, and the distance a two days' march across big rivers and more or less dangerous woods.

My arrival at the Government-house.

Having arrived safely at the Governor's we discussed together, before appearing in Parliament, the measures to be taken in order to secure us against the insults of Col. Cary and his adherents.

Arrival of the impostor, R. Roach.

Without delay we ordered for our guard a body of the most trustworthy people, in order to avoid a surprisal, and our greatest care was to win to our side the inhabitants of the Province. Unhappily, just at that time, there arrived from London a certain riotous and turbulent person, called Richard Roach. He was the cause of much trouble; he was the agent of one of the LL. Proprietors, but a merchant, and a member of the Sect of Shakers, and had come to that country for the purpose of trading. He was immediately won to the side of the Rebels, what much strengthened them, since he was abundantly provided with powder, lead, and firearms, what suited them very well. That impostor was very boisterous and of the utmost impudence. In order to excite Rebellion all the more, he presumed to spread atrocious lies and slanders against Govr Hyde, saying that *he* had other orders from the LL. Prop^{s}, but not in favor of Edward Hyde; this made the disturbance greater, fostered Rebellion, and gave us much trouble. That same scoundrel did also injure me much privately; he played on me the trick of making unavailable a bill of exchange of 200lb. Sterlg. He pretended to have orders to protest or seize it, though his master from whom I had got the bill, was paid long ago in due form. This was a very great and unconceivable damage to me in a moment of greatest need.

The Rebels attack the Government and Council.

These Rebel ringleaders, Col. Cary, Richard Roach, & Eman. Low (who, although a Shaker, erected himself into a Colonel), came during a certain night in a well equipped bigantine loaded with 60 or 80 men and a few cannons, in order to besiege us at Col. Pollock's, that is, at the Council member's in whose house the Council was always held, as well on account of his dwelling's situation, as on account of his means and credit. Towards morning these avowed Rebels and declared enemies fired, from their brigantine, two cannon shots against the house where we were, and only scratched the roof of the house; the report begun the alarm. Thereafter, our body of guards, about 63 men strong, took position and we shot also a couple of cannon balls in the direction of the brigantine, but without causing any damage.

Then these Rebels disembarked, out of their brigantine, on two boats, their best men, with the intention to set them on shore and take us by surprise, not suspecting that we had many people with us. When we saw their movements we took also our position, and went behind a row of bushes on the shore of the river, which is there about two good miles

broad. The Rebels, seeing among our people my servant, who was dressed in a yellow livery coat, were frightened, as they thought that my whole colony was at hand. We sent after them a few cannon balls which slightly struck their mast; this had such good result that the boat crews did not dare to land, but returned aboard the brigantine. Finally, fear seized them in such a way, that they hauled up sails and took flight.

Flight of the Rebels.—An amnesty for the deceived.—Gov. Hyde recognized by Parliament.

We did not fail to pursue them at once and embarked our best men on a big boat, but they could not overtake them. The brigantine's crew, however, being struck with panic, found a place convenient for landing, went on shore, and the leaders fled through the woods. And so our people conquered the brigantine, and brought it back, together with its little crew and the ammunition, to the place where we were assembled. This event sowed division among the Rebels and other evil-disposed persons and strengthened our party. Having consulted among us, we found that we ought perhaps to publish an amnesty for all who had been maliciously enticed by the leaders, but the leaders themselves were denounced publicly. A list was made out of all who had submitted to the new Government, and given their written adhesion, and then we called together a Parliament, where all matters concerning these disturbances were discussed, the most turbulent were secured and imprisoned, and to those who confessed their faults, an amnesty was granted. During all that was going on, I was obliged to take the "presidial," most unwillingly, then the matter was delicate and dangerous. My first aim was to work with all my might in order that the new Governor, Mr Edward Hyde, should be recognized, in which I was successful, and so got rid of a heavy burden. So every thing was quiet again and every one went home.

The fire of Rebellion kindled again by Roach and others.

But that calm did not last long; the authors of the disturbance again gathered together and R. Roach, mentioned above, established himself on an island with ammunition and provisions, and made every effort to bring together, the dispersed and Runaway Rebels. The Governor himself, with his party, tried to dislodge him from his island, but he was so strongly entrenched that nothing was done and the government's force had to retire.

That seditious fire broke out again and was carried to such a pitch that the second outbreak was nearly more serious than the first; in this dan-

gerous situation, it was considered expedient to look for help to the neighboring State, and decided that I should be delegated with two members of Council to M[r] Alexander Spotswood, Governor of Virginia, to ask him to assist us, and a letter was sent to him in advance, in order to impart to him our intentions. He very civilly appointed a place and day for us to meet him on the frontier between Virginia and North Carolina, as he had anyway the intention to drill his troops in that neighborhood.

My deputation to the Governor of Virginia for help.—The required help obtained.

I started for that appointment by water, on the same brigantine which we had taken from the Rebels, because it was not safe to travel by land, and besides, we were glad to take along some provisions in the neighborhood. But when we had sailed some small distance, such a terrible storm arose, that we were compelled to turn back. We therefore took a *canoe* (it is a long and narrow boat dug out of one solid piece of wood,—and daily used on those rivers) and we paddled up stream, after the wind had somewhat subsided, but though we made all possible haste, we could not arrive in time at the appointed place; but the Governor of Virginia had given orders so that he should be at once informed of my arrival, at Williamsburg, the place of his Residence. As soon as I had come, I wrote a letter with my compliments and apologies to that lord, who did not fail to come to the appointed place on the following day, with his Secretary and two other gentlemen. We consulted there together, and the Governor received us very civilly. The job was harder than I expected; after I had exhibited my credentials, I stated my request, but strong objections to it were made at once: "That the Virginians did not feel inclined to "fight against their brothers and neighbors, inasmuch as they were all "equally subjects of the Queen of Great Britain, that besides the case "was somewhat embarrassing, the more so that M[r] Hyde had not yet "got his letters-patent." Some other expedients, therefore, were to be found, and Gov[r] Spotswood, to whom I had been recommended in the name of the Queen, and who, for the first time he saw me, was desirous to please me and not to send me away without granting me some favor, asked me if I had to propose some other means or expedients which would be of an easier achievement. I therefore, seeing that these Virginians were not disposed to help us, and that they perhaps somewhat partook of that free and democratic spirit, bethought myself that perhaps something might be obtained in the shape of regular troops. I ac-

cordingly asked the Governor, in his capacity of rear-admiral of the Virginia Coast, to be so kind as to send us a well-equipped man-of-war, which request he granted. He at once sent us a brave captain, who did his duty very well. I did not doubt but that, as soon as he would appear with the red coats, (the livery of the crown, common to all men in Her Majesty's pay,) it would have an excellent effect.

The Virginian Man-of-War comes to the rescue.

I took leave of that lord, and departed for home, and before my departure that lord showed me extraordinary favor, invited me to come to his home and offered me his services in whatever could be in his power. I arrived at the Government-house and reported what I had done, and my negotiation was approved and met with general applause, as well from the Governor and Council, as of all well-intentioned people, what fact did not little increase my credit.

After some time the captain of the ship arrived with his brave sailors, and after he had complimented us and handed the letter of Govr Spotswood in presence of the Council, we asked him to declare before the General Assembly and all the people, that if the rioters would not return to their duty, he had orders to deal with them with the greatest severity. That had indeed such good effect that no body dared to stir, and the authors of the disturbances took flight. At the same time, we received letters from London, stating that the LL. Proprietors had appointed Mr Edward Hyde as Governor of North Carolina, and that his letters-patent had been handed to a trustworthy person who was to bring them,—what calmed much the popular excitement, and the evil-intentioned came to confusion.

Colonel Cary, made a prisoner in Virginia, is sent to London.

That Col. Cary, so often mentioned above, was arrested in Virginia with other persons concerned in his plot, and sent to London in a well equipped ship. He was prosecuted, what created much sensation. Happily for him, however, two lords took his part and saved his life; he was liberated on bail, and a judge was assigned to him in Carolina, in order that he could defend himself there,—where the case was delayed so long that to-day sentence is not passed,—but I believe that he is not very anxious to hasten the judgment of an affair so risky.

All these troubles had been not little conducive to the invasion of the Savages, in as much as some of the rioters had defamed Govr Hyde, in the opinion of the Indians, to such a degree, that they held him for their declared enemy. I could ascertain that fact myself, when I was made a

· by the Savages. Believing that I was the Governor, they dealt ughly with me, until an Indian who understood English and e told told them that I was not Govr Hyde; I had then a rather me.

rn to New-Bern—2d departure for the Gov^{t}-seat—The Govr pre- himself to the Gen^{al} Ass^{bly}.

every thing was calmed down, I went back to Newbern, in order hat my poor colonists were doing, but I could not stay there long. ov^{r} having at last received the letters-patent, called a General ly together, in order to present himself. I had, of course, to be nd was very glad to improve that occasion, and to apply to that vernor for what I could not obtain from Col. Cary. I found, the Governor very willing to do me justice, but when it came to s of execution, he was himself so pinched and straitened, that he had enough to supply his own wants. I was accordingly com- o apply to the Parliament of the Province to ask for what I had as yet able to obtain in account with the LL. Proprietors,— as, however, the very foundation of my enterprise. Disappointed s by the breaking of so many fine promises made formerly to me, myself in great perplexity, with all my people dependent on me expense, so that it was impossible to go on in the same way; to means of support from my own country would have taken much s we could, however, not live on air, I asked the Province to ie on the same conditions to which the LL. Proprietors had owards me, and to provide me with victuals and necessaries for hree years on credit, which advance money I should pay back rds. I was not more successful with these; under pretence that l war had exhausted them, I was not complied with, and obliged n home deprived of every thing. I nevertheless made still my and aided the colony the best I could, as it has been told above. after the narration of the Indian war takes place.

or causes of the Indian War.

kindled that Indian or Savages' war were, above all, the sland- insinuations of *a few rioters* against Govr Hyde and against me. ade the savages believe that I had come to expel them from their nd that they would be compelled to settle much further, towards, in, the mountains; I convinced them that such was not my in- and they could ascertain it by the gentleness and civility of my

behaviour towards them, and by the payment which I made to them of the lands where I had settled at first, and where I had founded the small town of Newbern, although I had already paid double their worth to the Surveyor Lawson, who sold them to me as free of whole incumbrance, not telling to me that there were Indians. Again, I had made peace and alliance with the King and his Indian dependents, which were well satisfied with me; (3) an important cause was the carelessness, negligence, and lack of precaution of the Carolinian residents; (4) it was the rough treatment of some turbulent Carolinians, who cheated those Indians in trading, and would not allow them to hunt near their plantations, and under that pretence took away from them their game, arms, and ammunition. There even was an Indian killed, which most incensed them, and not unjustly.

These poor Indians, insulted in many ways by a few rough Carolinians, more barbarous and inhuman than the Savages themselves, could not stand such treatment any longer, and began to think of their safety and of vengeance, what they did very secretly. Unfortunately, believing myself entirely at peace with them, I contemplated a pleasure trip up the river, and this was just the place where they had a general appointment to discuss the matter mentioned above. What made me feel all the safer, was that, some 10 or 14 days before, I had been lost in the woods, as I came from surveying some lands, and been overtaken by night; following a path, I suddenly met a party of Indians which had moved from Chattawka, the place Newbern actually stands. The reader may think whether I should have dared to present myself there, had I not really lived in peace with those Indians; I, however, could not help feeling some secret apprehension,—they would have had a good occasion to revenge themselves on me, if I had done them any harm,—but, happily, they received me very well. As I was very thirsty, having wandered all day through the woods,—fearing that drinking much water would hurt me,—they sent at a sick woman's house, for some cider which had been bought for her, and gave it to me, (a great kindness indeed, coming from heathen!). The King made me a present of a large piece of venison, they had bonfires through all the night, and danced and sung during I was alone with my footman in the small tent which I got pitched to lie down, but I could not sleep on account of that noise. Next morning, the King gave me an escort of two Indians who saw me home; after having given them plenty to eat, I made them a small present and sent to the King in return of his cider two bottles of rum, a kind of brandy made out of sugar-dregs, which were gladly re-

ceived, as I have heard since. This same King took a large part in my liberation (together with Divine Assistance, and secondly to it,) when I was made a prisoner and sentenced by the Indians of the Upper-River.

Fourth cross-accident.

How I was made a prisoner by the Indians, sentenced to death and miraculously liberated. What took place among the Indians, and what I observed during my confinement. How at last I returned and arrived home at Newbern.*

(A copy of the relation written to Mr Edward Hyde, Govr of N. Carolina, on the 23d of October 1711, concerning my miraculous rescue from the Indians or Savages.)

My most noble and honored Lord:

I have at last escaped from the cruel hands of this barbarous nation, the Tuscaroras, by the providence and miraculous assistance of the Almighty, and have arrived at my small home in New Bern, but half dead. I have been, indeed, compelled to go on foot, quite alone, during two whole days, and with the greatest speed possible, through the woods of Catechna, and was obliged, as night overtook me, to halt near a horrible ditch, full of water and brushwood.

I leave you to think, sir, the pitiful way in which I spent this night, fearing to be overtaken by savage strangers, or torn to pieces by the many bears who growled all the night through around me and quite near to the place where I was. Besides, I was quite lame, for having walked so long and at such speed, and had no arms for my safety, not even a knife, nor anything to strike fire, I was nearly dead with cold, shivering under the north wind which blew during the whole night. At daybreak, when I attempted to rise from my damp and cold couch, my legs were so stiff and swollen that I could not take one step,—but, as I could not stay there, I had to walk at any cost, and I supported myself on two sticks to proceed on my way.

Arrival at Newbern.

I had much trouble in crossing that ditch, what I achieved by creeping along the long offshoot of a tree. At last, with much pains, I reached my quarters. As I drew near the house, and saw it fortified and full with people, I felt a little better at heart,—indeed, I was afraid to find

*De Graffenried's orthography for Newbern, most of the time, is the German form, New Bern. (Translator).

everything burnt and ruined by the Indians, as well as the houses of the poor colonists, and expected to find but very few of my people, since I knew only too much about the cruel raid of the Indians along the rivers Pamptego, News, and Trent, where, resolved to lay waste the whole country, they burnt, killed, and plundered whomsoever and whatever they found in their way.

When my good people saw me coming from afar, tanned by exposure like an Indian, but on another hand considered my figure and my blue jerkin, they knew not what to think, but, in their firm belief that I was dead, they rather believed that I was an Indian spy dressed in my jerkin, coming to watch something; the men even took up their arms, but when I came nearer walking with two sticks, and quite lame, they well saw by my look and attitude that I was not an Indian or Savage. However, they did not know me at once, but a few came in my direction to reconnoitre me. When I saw them so puzzled, I began to speak to them from afar, with such a weak voice however, that, in their surprise they fell back a few steps, and hallooed to the others to come, that it was their lord, whom they thought to be dead. And so all came in crowds, men, women, and children, shouting and crying out, part of them weeping, others struck dumb with surprise. It was really a strange sight, and this medley of sadness and joy, of wailing and delight, moved myself to tears.

After having exchanged a few words with those people around me, exhausted as I felt, I at last came home, and after having closed the door of my private room, I made my ardent prayers, giving glory to the Good God for my miraculous and gracious rescue, which may well be held, in these times, for a miracle.

The following day I asked what had taken place in my absence, but I heard such sad news that I felt nearly broken-hearted. The worst was, that besides 60 or 70 Palatines and Swiss who were slaughtered, the others, who ran away, were robbed and plundered, and part of those who remained left my house and the townlet, where, however, was the stores of their own goods; they did that by the instigation of one certain William Brice, an ungrateful man, for whom I had done much good, and whom even the Palatines and myself had rescued from the greatest want. Without even thinking of our kind acts, and in order to secure the defence of his own house with the exclusion of others, he debauched and led away from me, by all kind of promises and artful tricks, my people, in order to turn them, with a few English residents, into a garrison. So I had to content myself with a crowd of women and children, having not

more than 40 men able to bear arms; all these people, however, are a heavy burden for me; my whole provision in grains, in great and small cattle has to be used in this sad plight; if we do not receive very soon the needed assistance, we have to die or to leave the place and the post.

Therefore, my noble and most honored Lord, we earnestly entreat you to supply us with the necessary provisions and ammunition,—and with well-armed troops, in order to drive back those barbarous ruffians; if not, the evil will grow more and more, and it is to be feared that the whole country might come to ruin.

It is surprising, yea, scandalous to see such coldness and such lack of sympathy in the inhabitants of Albemarle County, who can look on with folded arms, when a savage and barbarous nation slaughters their nearest brethren. They even ought not to expect a better fate, inasmuch as they draw upon themselves these same misfortunes by such profound lethargy, when they ought to take more to heart the ruin of their brethren and their own danger. It is not less surprising to see so little energy and good order among the office holders, your High Lordships being excepted in best form: I am, indeed, persuaded that your Lordship has not failed to give all necessary orders, but that they have not been executed, what is to be regretted.

My most honored Lord,—The above statement is only to explain how I came home, but, for my justification, I must show how I did fall in the hands of that barbarous nation.

Beginning of my fatal trip to Catechna, or at the Indian Nation's, called Tuscoruros.

One day, as the weather was very fine, and there was good appearance that it would last, Surveyor-general Lawson proposed to me to go up Neus' River, hinting that there were plenty of good wild grapes, which we could gather for refreshing ourselves. This statement was, however, not strong enough to prevail on me. A few days afterwards, he came back, giving better reasons. He remarked that we could see, in the meantime, whether the River may be navigated in its higher course, and that a new road to Virginia might be laid out there, the actual route being long and difficult,—and likewise visit the Upper country. I had, indeed, been anxious for a long time to know and see by myself how far it is from here to the mountains.

I accordingly resolved to take that trip, and we took provisions for 15 days; I, however, asked M[r] Lawson whether there were any danger on account of the Indians, especially on account of those which we did

not know. He answered that there was no danger in that direction, as he had already taken that trip once, that surely there were no savages living on that branch of the River, that they used to be very far from it. But, in order to feel all the safer, we took with us two Indian neighbors, which we knew well, and to whom I had done much good, with two negroes to row. One of the Savages knew English, and we thought that, as we had those two Indians with us, we had nothing to fear from the others. So we went peacefully on our way; it had not rained for a long time, the River was not very high, and the current all the slower for it; the whole day we went up the river,—by night we pitched our tents near the water, and early in the morning we proceeded further.

May your Lordship please to take notice that Surveyor-General Lawson required my horses, saying that we could go through the woods, to see where the road to Virginia might be begun most conveniently. At first I would not consent; at last, he asked only for one, which I granted. One of the Indians went on horseback by land, but he was compelled to cross the river at one place, what was our misfortune, for he came to the great village of Cateehna (I do not know whether he lost his way, or if he did that by treachery). There he was at once asked what he was doing there with that horse, (they do not use horses in those parts); he answered that he was to bring it back to us, and that we were going up stream. This immediately alarmed the inhabitants of Cateehna; they crowded together from the whole neighborhood, kept the horse, and told our Indian that he ought to warn us at once not to advance further in their country, that they would not allow it, and that we had to turn back, by the orders of the King who resided there. Our Indian accordingly gave us a signal in firing his gun, in order that we should stop. We stopped indeed, after having also let off our gun; it was already late when he brought this bad piece of news, we landed at the next spring to pass the night, but we already met Indians, armed as if they had come from hunting. I said, that I did not like the looks of things altogether, and that we ought to turn back at once; but the Surveyor-general laughed at me. We had hardly turned our backs, when things began to look serious, and laughter, in a twinkle, expired on his lips.

How we were arrested by a gang of Indians.

Such a number of Indians came out from the bushes, some even swimming across the river, and overtook us so suddenly, that it was impossible to defend ourselves, for fear of being killed on the spot, or cruelly mistreated. They, accordingly, took us prisoners, plundered our things, and led us away.

We had already made a good two day's journey, not far from another village called Coerntha. The river there is still pretty broad, but it is not deep over 2 or 3 feet, and this place is as yet very far from the mountains.

Arrival at Hencock's Towne or Catechna.—Reception of King Hencock.—Great Indian Festival, or Assembly.

We had entreated the savages to leave us there, over night, with a few guards if they doubted us, remonstrating that we could any how not go very far on foot, and telling them that we should go the next day down the River, to see the King at Catechna and justify ourselves, but we could not succeed. Such a rare and considerable capture made them proud; indeed, they took me for the Governor of the Province himself; we were compelled to run with them all the night through the woods, across thickets and swamps, till we arrived at about 3 o'clock in the morning at Catechna or Hencocks-Towne, (that is to say: the village of Hencock), where the King, called Hencock, was sitting in state, with his Council, on a kind of scaffold,—though the Heathen or Savages usually sit on the ground. After an oration, apparently much exaggerated, made by the leader or captain of our escort, the King stood up with his Council, and came to us with the first captain-of-war, approaching us and speaking to us very civilly; but we did not understand their language, with exception of a very few words. Soon afterwards, the King went into his cabin or den, and we remained near the fire, guarded by 7 or 8 savages. Towards 10 o'clock, every savage came out of his den, one here, one there, and they discussed at length the question, whether we ought to be bound as criminals or not. They concluded negatively, inasmuch as we had not been heard as yet. Towards midday, the King himself brought us to eat a kind of bread made out of buck-wheat, called "Dumplins," and some venison, in a disgusting "cap"; I eat some, indeed, though unwillingly, but I felt very hungry; we were at liberty to walk through the village. Towards evening, there was a great festival, or an assembly from all places of the neighborhood, to discuss two matters: (1) How they would avenge themselves for the rough dealings of a few wicked English Carolinians who lived near the Pamptego, News, & Trent Rivers; (2) to feel their way as to the help which they could expect from their Indian neighbors.

[N. B. It must be observed that it was neither I nor my colony, who were *the cause of that terrible slaughter* or Indian war, as it may be seen at page [44 MSS].

In the evening, there came a great many Indians from every direction with the neighboring Kings. The "Assembly of the Great," as they style it, (consisting of 40 elders siting on the ground around a fire according to their custom) took place at ten o'clock at night in a great and beautiful open ground (especially devoted to great festivals and executions). King Hencock presided. There was, in the circle, a place set apart for us, with two "mats" (a kind of mattresses made with rush), a mark of great deference and honor; we therefore sat on them, and on our left side our "speaker," the Indian who had come with us and who knew English very well. The King beckoned to the Speaker of the Assembly, who made a long speech with great gravity, and it was ordered that the youngest of the Assembly should represent & defend the interest of the Council or Indian Nation, what he made indeed in best form, as I could observe it; he was seated nearest to our own speaker and interpreter,—the King putting always the questions, and then the *pro* and *con* were discussed, and they consulted over the matter of these questions. After that, they came to a conclusion.

Our examination before the Assembly of forty Elders.—Our liberation.

The first question was: to what purpose we had undertaken that journey; our answer was that we had come up the river for our recreation and to gather grapes, to see whether the river would be fit for navigation, in order that goods could be brought to them by water and trade carried on with them, and that a friendly intercourse could be held with them. After that, the King asked us why we had not acquainted him with our plan. Then the question was of their general complaint, and of the fact that the Indians had been badly abused by the inhabitants of the rivers Pamptego, News, & Trent, what could not be suffered any more; they spoke the name of the offenders, and especially of Surveyor-general Lawson, who, being present, excused himself as well as he could After having discussed at length, and come at last to the votes, they concluded that we could be liberated and the following day was appointed for our return home.

Second examination.—Lawson quarrels with Cortom, and causes our misfortune.

The following day, it was some time before we could get our canoe or small boat; in the mean time some of the "Great" and two foreign Kings came and were curious to know which were our reasons of justification. They caused us to be examined a second time in the cabin of

King Hencock, 2 miles distant from the village. We made the same answer as before. Unfortunately, the King of the village Core was there and reproached Mr Lawson for something, and they begun to quarrel with some violence, what spoilt things entirely; though I made every effort to get Lawson to quit his quarreling, I could not succeed.

Our examination being ended at last, we all rose, and I walked about with Lawson, and upbraided him for his imprudence in such delicate conjuncture. All at once 3 or 4 of the "Great" pounced upon us, took us violently by our arms, and led us back to the place where we had been before. No mats were spread before us,—they took our hats and periwigs and threw them into the fire, after that, some young rascals plundered us anew, and searched our pockets, what had not arrived the first time, when they contented themselves with taking our heavier luggage.

This is the 4th cross-accident.—Lawson and I are sentenced to death.

After that, a council of war was held, and we were *sentenced to death*, without being told what was the cause of such sudden change, though I could nearly guess at it. We sat on the ground through the whole night, until daybreak, in the same position. We were then were led to the great execution ground, a bad sign for us; I addressed Mr Lawson, reproached him bitterly, and told him that his imprudence was the cause of our misfortune, and that we had nothing better to do than to make peace with our God, what I did with great zeal.—When we arrived on the said spot, the Council was already assembled. Before we entered the circle, I happened to see a savage dressed like a Christian, who knew English, and asked him if he did not know the cause of our condemnation. He reluctantly answered me: "Why Lawson had quarreled with Cor Tom? That we had threatened that we would avenge ourselves on the Indians,"—upon which I took that Indian aside, and promised him all I could think of, if he would hear me and show my innocence to some of the "Great."

The Indians bind us and lay us on the ground before the Indian tribunal.

It was hard to persuade him, but, at last, he listened to me, and I accordingly told him that I was very sorry that Mr Lawson had so imprudently quarreled with Cor Tom,* that the Councillors had seen themselves how I had reproached Mr Lawson more than once, that I was not

*The MS. has it "Cortom", in this passage. (Translator)

to be blamed for that,—as to the alleged threatenings, "nobody had ever thought of them, there was to be some misunderstanding, Lawson accusing my negroes of having troubled his rest the first night,—and I had threatened my negroes in a loud voice, on account of their impudence," that no other word had been spoken. After the Indian had listened to me, he left me, and I repeated my promises. I cannot say whether that scoundrel spoke for me or not, but a quarter of an hour afterwards, the elder "Greats" came back and took us to the execution-ground, binding our hands and feet: they did the same to my bigger negro. Then began our sad tragedy, which I would like to tell, if it was not too long and dreadful,—bnt,—since I begun, I will go on.

Relation of the Indian ceremonies of execution.—The Baron de la Hontan does not acknowledge it in his relation on Canada,—but other authors do.

In the centre of that great place, we were seated on the ground, the Surveyor-general and myself, bound and undressed, with bare heads; behind me, was the bigger one of my negroes, and in front of us, a great fire; near it, was the conjuror or High Priest (an old grizzled Indian; the priests are generally magicians,—and even conjure up the Devil); he made two white rounds,—whether of flour or white sand I do not know,—just in front of us, there was a wolf's skin, and a little further an Indian Savage standing, in the most dreadful and horrible position to be imagined; he did not move from the spot, with a knife in one hand, and an axe in the other,—it was apparently the executioner. Further still, on the other side of the fire, there was a great mob of Indian rabble, consisting of young men, women, and children, who danced with frightful contortions. In the centre of the circle was the Priest or Conjuror, who made his threatenings and exorcisms, when there was a pause in the dance; there were, at the four angles, officers armed with guns, who stimulated the dancers by stamping with their feet, and when a dance came to an end, they fired their guns.

In some part of the circle, two Indian savages were seated on the ground and beat a small drum; they sung a mournful tune, rather fit to provoke tears and anger than joy. After they were tired of dancing, they all ran into the woods with dreadful outcry and howling, and soon came back with their faces painted in black, red, and white. Some of them had their hair flying, greased all over and sprinkled with minute cotton and small white feathers, and some arrayed in all kinds of furs. In short, they were dressed in such frightful way, that they looked rather

like a set of Devils than like any other creatures; yes indeed, never was the Devil represented with a more frightful appearance than these savages running and dancing as they came forth from out the woods, drew up at the old place once more, and danced around the fire.

Meanwhile, two lines of armed Indians stood behind us as guards, and never moved from their post, till everything was over. Behind this guard the Council of war sat on the ground in a circle, and were busy with consultation. Towards evening, the mob left off dancing, in order to bring wood from the forest, and to keep up the fires in different places; —especially, they made one far in the woods, which lasted all night, and so great that I thought the all forest to be in fire. I leave you to think, my most honored Lord, what a fearful and sad sight that was to me. I was wholly resolved to die, and accordingly I offered up my fervent prayers during the whole day & night. Alas! I had all kind of thoughts, all the circumstances of my whole life being called to my mind, in as far as I could remember them, even unto the least sins. I tried and recalled all what I had read in the Holy Scripture, the Psalms, and other good books,—in short, I prepared myself, the best I could, to a good and "salutary" death. Yes, the good God gave me such grace, as to await death with great firmness, though I foresaw a terrible execution. After having suffered dreadful anguish, harder to bear than the fear of death itself, I nevertheless kept I know not what a faint hope, though I could see no chance of liberation. As my past sins occurred to my mind, I found, in the meanwhile, a great consolation, in considering the miracles which the Lord Jesus had made, in his time, on the earth. This created in me such confidence that I addressed forthwith my ardent prayers to my Divine Saviour, not doubting that He would grant them, and perhaps change these savage and barbarous hearts, harder than rocks, to be more favorably inclined towards me, so that by my strong entreaties and solicitations, they might be moved to pity and compassion in my behalf, so that they would pardon me,—what, indeed, happened by God's miraculous Providence.

The Council of war delay my execution and send delegates to the Tuscoruros.

Really, the sun was nearly set, when the Council assembled once more, probably to make an end of that fatal, frightful, and mournful ceremony; I turned round some little, though I was bound, knowing that one of them knew English pretty well, and I made a short discourse showing my innocence and insinuating that, if they would not spare me,

the great and powerful Queen of England would avenge my blood, as I had brought that colony in those countries by her orders, not to do them any wrong but to live on good terms with them. I further stated whatever I thought fit besides, to induce them to some mitigation, offering them my services, if I were liberated. After I had done speaking, I remarked that one of the notables (who had seemed already disposed to do me some good,—who had even brought me to eat once,—and who was a relation to King Taylor, from whom I had bought the land where New Bern now stands), that that notable spoke earnestly, apparently in my favour, as it came out. Then it was forthwith resolved, to send a few members to their neighbors, *the villages of the Tuscaroros*, and to a certain King Tom Blunt, in high repute among them.

The result was that I was to live, but that poor Surveyor-General Lawson was to be executed.

Opinion of the other Indian neighbors, that King Hencock should liberate me,—but deal as he pleased with Lawson.

I spent that whole night in great anguish, awaiting my fate, (always bound in the same place), in continuous prayers and sighs. Meanwhile I also examined my poor negro, exhorting him in the best way I knew, and he gave me more satisfaction than I expected,— but I left Surveyor-General L. offer his own prayers, as being a man of understanding, and not overreligious. Towards 3 or 4 in the morning, the delegates came back from their mission and brought an answer, but very secretly. One of them came to me to unbind me; not knowing what this meant, I submitted to the will of the Allmighty, rose, and followed him as a poor lamb to the slaughter. Alas! I was much astonished when the Indians, a few steps from the former place, whispered into my ear, in a gibberish intermingled with English, that I had nothing to fear, that they would not kill me, but that Lawson would die, what affected me much. About twenty steps away from the place where I had been bound, the Indian led me to the cabins or dens, but I had no appetite. All at once, came quite a crowd of Indians around me, and did unanimously show much pleasure at my liberation. This very same man brought me back to the old place, but a little further, where the Council was assembled, and they congratulated me in their way, and smiled at me.

I was however forbidden to speak the least word to Mr Lawson, and to have any intercourse with him. They also liberated my negro, but I never saw him since then. Poor Lawson being always left in the same place, I could understand that all was over for him, and that he would

not be pardoned; he took accordingly leave from me, and told me to say farewell, in his name, to his friends. Alas! It grieved me much to see him in such danger, not to be able to speak with him, nor to give him any consolation; so I tried to show him my compassion by a few signs.

Some time afterwards, the man who had spoken in my favor to the Council, took me by the hand and led me to his cabin, where I was to keep quiet awaiting new orders.

Execution of Surveyor-General Lawson.

In the meanwhile, they executed that unfortunate Lawson; as to his death, I know nothing certain; some Indians told me, that he was threatened to have his throat cut, with the razor which was found in his pocket,—what also acknowledged the small negro, who was not executed,—but some said he was hung, some said he was burnt. The Indians kept that execution very secret. God have mercy upon the poor soul!

The Indians assert that they are going to war against the. Carolinians.—The Indians, though they had liberated me, do not yet allow my returning home.

The day after Surveyor-General Lawson's execution, the notables of the village came to me, making me acquainted with their design to make war in North Carolina, and that they were especially embittered against the people on the Rivers Pamptego, New, Trent, and Cor sound, and that they had accordingly good reasons not to let me go, till they would have ended their expeditions. What was I to do? I had to take patience, and reasoning was of no avail. It was a painful position, to hear such bad news and to see myself unable to help these poor people, or even to give them the least warning. True, they promised me that no harm would be done to Chattoocka (the old name of the town of Newbern), but that all people of the Colony ought to go into the town, if not, they could not answer for the evil which could happen,—good words enough,—but how was I to let it know to these poor people, since not one of the Indians was willing to carry them a message? Accordingly, I could but submit the whole to the Divine Will.

The Indians come back with their booty, and bring Carolinian prisoners.

Those who began that robbery and plunder were 500 men strong, well armed. They consisted in gangs from different places, one part were Tuscoruros (however, the most important villages of that nation did not take part in the affair), the others were Marmusckits from the rivers

Bory, Wetock, Pamptego, News, Trent, and Cor Indians. They went in small platoons, plundering & killing the poor people of Pamptego, News, and Trent.

A few days afterwards, the robbers came back with their booty. Alas! What a sad sight for me, to see the women and children prisoners! It nearly rent my heart. I could well speak with them, but with much precaution; the first came from Pamptego, the others from News & Trent. The very Indian with whom I lodged happened to bring with him the young boy of one of my tenants, and much clothing and furniture which I well knew. Alas! What was not my apprehension, in seeing those spoils, that my whole colony was ruined,—especially when I privately asked that young boy about what had happened. He cried bitterly, and told me how that same Indian with whom we were lodging had killed his father, mother, and brother, yes, the whole family! Nevertheless, I did not dare to look as if it affected me. I had to remain, for six weeks, a prisoner in that hateful place, Catechna, always in fear of unutterable dangers and sorrows. Many events took place during that time; I was once much perplexed: all men had gone to that plundering-expedition, the women were all gone, also, out of the village, in order to gather wild cherries, others went to dig some kind of roots, called "Potatos", which are yellow, very good and dainty. On that day, I was all alone by myself in that village. I struggled hard to decide whether I should take flight and return home, or not, I had a long struggle about it; in that doubt I thought it best to pray for my God's help, in order that He would impress upon my mind what I was to do in such delicate and dangerous conjuncture. I accordingly said my prayers, and then examined the *pro & con*, and found at last that the best I could do was to stay there,—confident as I was that He, who had drawn me out from the first danger would assist me further. Indeed, if only one Indian had met or see me, I should have been a dead man, and no mercy could have been expected; besides, they would have been so incensed that they would have gone to the town before my coming home, (as I did not know the way very well), and would have taken, plundered, burnt and killed everything and everybody. Experience, since, has shown that I made a wise choice.

After these heathen had done with the greatest part of their barbarous expedition, they came home and rested for some time. I looked for a favorable occasion, when I could meet the leading men of the village in good humour, to ask them whether I could not soon return home. In order to impress them favorably, I proposed we should conclude a private peace, and promised, at the same time, to every one of the "Greats"

of the ten villages a jerkin made of some cloth, and something more for my ransom to the King, 2 bottles of powder, 500 grains of small shot, 2 bottles of *rum*, which is a brandy distilled from sugar-dregs. The Indians wanted much more, as, for instance, some guns, more powder and lead or small shot, but I remonstrated to them that those things were contraband, and that it was forbidden, under pain of death, to sell or give such goods to the enemy,—that I was at least to remain neutral, and to assist neither one side nor the other; if not we could not conclude a serious peace. They finally yielded to these reasons and others, and we accordingly agreed, as may be seen by the treaty of peace concluded with those Indians.

Baron of Bernberg and Landgrave of Carolina.

TREATY OF PEACE BETWEEN DE GRAFFENRIED AND THE INDIANS OF THE NATION OF TUSCORUROS AND THEIR NEIGHBORS.

Be it known to all men by these presents, that in the month of October, 1711, has been agreed between the Baron and Landgrave de Graffenriedt, Governor of the German Colony of North Carolina, and the Indians of the Nation of Tuscoruros with their neighbors from Core, Wilkinson's Point, King Taylor, those of Pamptego and others from that country, as follows:

(1) That both parties will let bygones be bygones and be good friends in the future;

(2) The undersigned, Governor of the German Colony, must be absolutely neutral in time of war between the English and the Indians.

Item: He will keep quiet in his house and town and let pass neither the English nor the Indians, and do no harm to the Indians, as well as these will not harm the others. In eventual misunderstanding between the ones and the others, they shall not avenge themselves, but complain reciprocally to the magistrates about that question.

(3) The said Governor of the German Colony promises to remain within his limits and to take no more lands from them without due warning to the King and his nation.

(4) Item. he promises to procure a cessation of hostilities for fifteen days, so that fit and able persons may be selected and appointed to propose good and reasonable terms of peace, which, if possible, be acceptable to both parties,—and in order that this negotiation be not interrupted.

(5) The Indians are allowed to hunt wherever they please, unmolested, except that they shall not enter our plantations, for fear they should scare away the cattle, and on account of the danger of fire.

(6) Merchandise and provisions have to be sold to the Indians at a reasonable price; besides, it is agreed that no harm will be done to our houses, which shall bear the sign below marked on their door.

The conditions and clauses above shall be exactly kept, to testify which both parties sign hereunto with their usual signatures.

Instead of seal, the mark of News	N.	De Graffenried. Governor of the German Colony.
Instead of seal their usual mark		Tuscoruros' Indians and their neighbors.

But after we had entirely agreed, however, these distrustful savages would not let me go home without having sure & certain securities. They wanted me to send my little negro to Newbern, in order that all I promised should be brought to Catechna; however, not one Indian was found to go with him, though I offered to draw up a pass. I told them that not one of my people who had remained would come up the river, frightened as they were by the recent murders, and that my negro could not pull a loaded boat up the river, all alone by himself. As we could not agree, I left it to decide to the Indian with whom I was lodged, and he settled the matter in a way which satisfied them as well as me.

The Governor of Virginia sends to liberate me from captivity.

On the very day on which I intended to send my negro to Newbern with a letter directed to the person to whom I had entrusted the care of my house, in order that he should bring half way the said ransom, for every party's security, some strange Indians came, with a horse, sent by the Governor of Virginia, and bringing a letter or injunction, the copy of which follows:

Injunction of the Govr of Virginia, translated from the English original:

We, Alexander Spotswood, Lieutenant Governor Commanding the Colonies & Province of Virginia as in the name of Her Britanic Majesty.

To the Indian Nation who hold the Baron de Graffenried prisoner.

Having been informed that the Baron de Graffenried Governor & head of the German Colonies in North Carolina is a prisoner among you, We intimate and command you in the name of the Queen of Great Britain, whose subject he is, that at sight of this order you liberate him and send him to our Government. And we let you know by these presents that if you kill him or do him any violence or harm whatever, We shall avenge his blood, and spare neither men, nor women or children

Given under our great seal, October 8, 1711.

A. SPOTSWOOD.

Nobody but I could read that letter; it was rather stiff, and I did not know what countenance I had to assume. At last, I thought that the messengers knew anyway its substance, so I read it to the notables of the village. After I was through, I observed something in their mien that did not please me. I told them the substance of it. They then held a Council, and it was resolved to let me go to that village of the Tuscororos, where was the Indian trader from Virginia, who had been in the village some time before when Mr Lawson was executed, then went back and related our sad adventure to the Governor, when that generous Lord, Mr Spotswood, immediately sent back that Virginia trader (who traded with the Indians, understood and spoke their language well) with the letter above, to the Tuscaroroes.

My excursion to those Indians, at Tasqui, where was the Virginian merchant, by orders of the Governor.

The Governor himself went to the first Indian village, called Ratoway, and stayed there with a strong escort, giving orders to the neighboring militia to hold themselves ready for immediate action in case that no good answer would be received. Accordingly, early in the morning, I started on horseback with the Indian messengers and 4 of the notables of Catechna, who accompanied me to the most important village, called Paski; they walked as quick as I rode on my horse, and we arrived in the evening at twilight. There was found a trader from Virginia. That village was fortified with palisades, and the houses or cabins were neatly made out of tree bark, they stood in a circle, and in the midst of them was a beautiful round place, in its centre a big fire, and around it the Council sitting on the ground, that is the leaders of the Tuscoruros' nation. Places were left for the merchant already mentioned, for me and for the Indians who came with me; after I had greeted that Gentleman, we seated ourselves.

Meanwhile, I already secretly rejoiced, in the hope of being able to go to Ratoway (where the Govr of Virginia expected me) and to be at last free to get away from the savages, but, alas! I was not yet to succeed.

Assembly of Tasqui on my behalf; they acknowledge that I ought to be liberated.

The speaker of the Assembly began a great oration, and asked the 4 Indians who had come with me what was the cause of my detention and my crime. After the Indian delegates had been heard, and I was recog-

nized as innocent, it was concluded that the Govr of Virginia was to be complied with and that satisfaction should be given him, and it was set forth what dangers could ensue in case of a refusal.

The merchant of Virginia, as being our interpreter, spoke for me the best he could, but the 7 Indian delegates from Catechna would not yield to this.*

My return to Catechna.

They feared to lose their ransom, though the merchant from Virginia offered security for it; their pretext was that they dared to do nothing without the consent of the others and of the King. They promised, however, to let me go as soon as the King & Council would have assembled, but they insisted upon keeping my negro as a security, until the ransom would be paid. On the following day, quite disappointed, and in terrible perplexity, I took leave from the Virginian merchant, who felt very sorry about the harsh behaviour of these Savages, and I returned in a very sad mood. When we drew near to Hencock Towne or Catechna, at a distance of about 3 or 4 miles from it, we heard much shouting, and I saw some Indians coming forth, here and there, from out the bushes, what seemed to me a bad foreboding and frightened me, not without reason, the more so that they ran to me, quite out of breath and dismayed, saying that the English and Palatines were quite near; they mimicked the Palatines in their gestures, with an angry countenance, uttering the words: "Ta,* Ta,"* and giving me thereby to understand that my people appeared to be also against them, among their enemies. They led me, through a roundabout way, across an ugly ditch, from where I saw a fire from afar. I was much frightened, and did not doubt but that I was going to be burnt on that inflamed wood-pile, or to be secretly slaughtered in that terrible desert. After I had said my prayers I studied how I could make them believe that the Palatines had not joined with the English; I explained to them that these words: "ja, ja," were not German, but that it was a corrupt English: "aye, aye," which means in English: "yes" and in French: "oui." I kept them in that belief

* It may be observed that the number of delegates is given now as 4, now as 7, and in the first instance (page 79 MSS.) as 4. It was thought best, for fear of incorrectness, to follow exactly the version given by the copy of the MSS., whenever such differences exist. In the same way, the village where the events above took place, is called Pasqui in the main text, but Tasqui in the margin,—and the Tuscaroras, nearly always Tuscororos. (Translator.)

** German "jor, jor": yes, yes. (Translator.)

the best I could; when we arrived to the place where was the fire, I was surprised to see the whole populace of Catechna where I had been a prisoner with their movables and some provisions.

Place where, on my return to Catechna, I found all the women & children entrenched for safety's sake.

Though in the midst of a dreadful desert, surrounded with thickets, thorns, and swamps, there was a fine wheat-field, with an Indian cabin, and the place was surrounded with a deep river, which made a small island of the whole, so that nature had built there a small fort well nigh impregnable. All that populace mentioned above consisted in infirm old men, women, children, and other young people unable to bear arms. Being myself in great fear, I did not fail to comfort them the best I could in order to be welcome and to keep them on my side, assuring them that nothing would happen to them as long as I should be with them. I also told the warriors who had come to cheer them, that they ought to let me go with them, that I should do my best to persuade the English to conclude peace, but they would not consent.

Retreat of the Carolinians, unable to resist the Indian forces.

On the next day, the neighboring Indians, numbering 300 armed rogues, came and gathered together and went for the Christians who were only 60 in number, and not further from our village than 4 miles, (a distance of 1 *lieue* and $\frac{1}{4}$). The Palatines, who had no experience in Indian warfare, were nearly all wounded and an Englishman killed. Seeing that the Indians were too strong, they took flight and went home; the Indians went after them, but without doing them much harm; they only caught some little booty. The savages returned to Catechna with some horses, victuals, hats, boots, and a few jerkins. When I saw all that, especially a pair of very nice half-boots lined with silver, knowing that no one else had such ones, I knew them at once to be mine, and was surprised and frightened, thinking that they had plundered my house and the store,—but there was no harm done,—the reason why there were some of my things among that booty, was: that my people used them for that expedition.

The Indians come back in triumph with the booty and christian prisoners.

So, these savage soldiers, or rather robbers, returned home in great glory & triumph, and we all came out from that secluded place, and went back to our old quarters, viz. to Catechna.

Triumphal ceremonies.

During a certain time, they burnt bonfires in the night,—especially, they built a big one in the great place of executions, where they raised three wolf's hides, figuring as many Protectors or Gods, and the women brought offerings, consisting in their jewels, for instance necklaces of *wampon*, which are a kind of coral, made out of white, violet, and golden colored shells, previously burnt. There was, in the midst of that circle, the Conjuror, I mean their priest, who made all kind of contortions, conjurations, and threatenings, and all the remaining populace danced in a circle around the hides.

My entire liberation and departure from Catechna.

After that Indian festival was over, I began to become impatient, and asked some of the "great," if they would not let me go home, since they had won the victory. One of them smiled and answered me, that they would see what they would do, that they would call together the King and his Council. Two days later, they brought me a horse, early in the morning, two notables escorted me for a distance of two leagues from Catechna, gave me there a piece of Indian bread, and left me. When I saw that I had a long way to make, I begged them to leave me the horse, that I should certainly send it back, or that they would come somewhat further with me, and nearer to my quarters, but I could not obtain either from them.

They remained at the place where I left them, and built a big fire, and warned me that there were some foreign Indians in the forest, that I should hasten and go very speedily, that I should even run as fast as I could for a couple of hours. Indeed, I did so until night overtook me, and I came to that dreadful desert through which I could not go in the darkness, and which is mentioned at the beginning of this relation or letter.

I have already related the remainder of my voyage to the Governor; it is time to finish.

1st How this Indian war began and how it ended; 2d Which were the motives that moved me and compelled me to leave my colony and to go to Europe and to Bern.

Cross-accident—5th mishap. Plot of a gang of tramps and turbulent rascals from Carolina.

What happened to me, on my return, among Christians, was well as dangerous and vexatious as what I experienced among the Indians or

Savages. Before the heathen's tribunal, I had my accuser unmasked; every thing was done in good order, nothing in a clandestine way, nor turbulently or seditiously, but when, on my return, I thought of finding myself among christian friends, and of breathing at last some little,—it was much worse!

A gang of rioters, jealous louts, and turbulent knaves, Carolinian residents, because I would not at once espouse their hasty and cruel feelings (as they pretended that I was to deliver up at their discretion, or kill an Indian who came, according to the agreement made with the Tuscoruros Ind., to ask from me the promised ransom, and to whom I had promised a safe-conduct,) made unjust and serious imputations against me, after a secret information made against me, which created much sensation, speaking no less than to have me hung,—though I had strong reasons not to side with them and make war so inconsiderately against the Indians; this was all the more the case, that we had neither provisions in food nor ammunition, nor enough men either,—and that half the Palatines had deserted during my absence,—and that, most important of all, 15 palatine prisoners were to be handed over to me after my ransom would be paid. Was I not right to think of the liberation of these poor people? and I was, of course, to beware: (1) of breaking my promise and agreement, as made to and with the Indians, and (2) to risk those poor prisoners, in order to comply with giddy-heads who did not know what they were about.

False accusation by a Palatine blacksmith against me.

I had accordingly, in order to justify myself, to appear again before a Tribunal, a Christian one, but which would have been worse than heathenish, if things had gone according to the wishes and conspiration of these enraged and seditious knaves. All that was plotted against me with the very blackest perfidy by the agency of a Palatine, a wicked man and a blacksmith by trade, who betrayed me as is stated below, to avenge himself of a punishment inflicted, and a very moderate one it was, for having made dreadful imprecations, committed thefts, been insubordinate, and spoken horrid threatenings, even of murder.

The Palatine blacksmith mentioned above goes to the Indians and slanders me in order to estrange them towards me.

That man, immediately after he had gone through his penalty, which, far from equal to his crime, consisted only in sawing logs for public service, during one day,—crossed the river and met Indians, whose suspi-

cions he raised against me, telling them I did not hold what I had promised to them, (the Indians), that I wheedled and deceived them, that, instead of keeping peace and remaining strictly neutral, I sided with the English, and even provided them with arms and ammunition. The Indians or savages, who could hardly believe in such perfidy from me, and doubted the reports of that scoundrel, risked one of them, and sent him to us, though with some fear of his being captured. Thereupon something ludicrous happened: That Indian, having crossed to this side, watched his opportunity to speak to some one of my people to inquire about the truth of those facts; but when he wanted to draw near one of my men, this one was so much afraid that he came, quite out of breath, and spread the alarm in my quarters, telling me how he had seen an Indian who seemed anxious to draw near, how probably the others were not far. It really alarmed me, and I drew up my men into position. Meanwhile, it struck me that the Indians, impatient to get their ransom might have sent some one to see how things went on. I accordingly ordered that same man who had been so much frightened to go to the same place where he had been first,—and that I should post men to defend him in case of danger, what was soon done. The Indian did not fail to show himself, and, approaching, made signs to him, that he had nothing to fear, and my man made the same signs; finally they drew near to each other, and conferred together. (N. B. The Indian spoke English). They came to speak about what the blacksmith had told on me; the Indian never told his name, but he spoke of him in a way that it was easy enough to guess. Our man, who had instructions, explained that they had been told lies, that it was a dishonest man who made such sinister report, that nothing was less true, that I kept a strict neutrality, though the English were not pleased with me precisely on that account; he added "that the Indians ought to bring back the palatine prisoners, if they wanted to have their ransom," and several other things which I had ordered him to say. He told him also, that in future none of them ought to come so near us, that if they had something to say, they ought to light a big fire right opposite to our quarters, and that I should then send somebody in a boat to speak with them,—that the interview was to take place on the water,—and that accordingly they ought to come in a boat also, and not more than 2 persons in it at once.

The aforesaid blacksmith goes to the Carolinian rioters, and slanders me in the same way as with the Indians.

As I had discovered that treachery and intended to arrest secretly the fellow to punish him as he deserved it, but he had some inkling of it and

ran away to a man called Brice, who was commander of that seditious gang which gave me much trouble, as will be stated below, the same who already had debauched one-half of my Palatines. When the blacksmith above mentioned got there he told these Carolinian prowlers the same he had said to the Indians, and more, against me, and went so far as to make me pass for a traitor to the Nation. They made a list of more than 20 articles against me, of which not one was true. Looking towards that criminal indictment without the least apprehension, and with an entirely good conscience, I wrote to the Governors of Virginia and Carolina, and made them exactly knowing of all what happened. Far from blaming me, they approved the course I had taken, as well as all other persons of good sense.

Plot of the man called Brice, with his gang of prowlers against me.—Disclosed by a small Palatine boy.—Brice and his armed adherents come to fall unexpectedly upon me, but find me in good preparation for defence.

As that traitor, the blacksmith, known as a criminal by me and my colony, owed much to me, I had an inventory drawn up of what few things he had, and had these safely put in hands of a third person; the aforesaid Brice, who would have liked much to have his tools, especially the ones which could be used to repair guns, (for the rascal was pretty smart, and knew some more than only shoeing horses and making rough work), tried to get possession of these tools by an artful trick, and if he could not in this way, then by force. In the meanwhile Brice would have been glad to take me by surprise and to arrest me, in order to bring me as a criminal, charged with high treason, to Govr Hyde.' In order to execute such a cowardly, black, and seditious plan, Brice concerted with his light-headed gang, how they would undertake their wicked design, and the conclusion was that if I would not surrender the tools, under their pretence that they were needed for the defence and service of the Province, they would get violently possession of them, and that, as probably I should turn fierce about it, then they would arrest me as a prisoner to bring me to the Governor.

Most luckily, a little Palatine boy was in the room when they laid that black plot against me; they paid no attention to him, believing that he did not understand English. But he, having overheard all about their pernicious scheme, made his best to slip out of the room without them minding him, and told everything to his mother; she at once crossed the river in a boat, and warned me about what had been plotted against me. I immediately ordered the drums to beat to arms, the gates to be shut, and my men to take defensive positions.

I had scarcely posted them when Brice appeared with 30 or 40 armed adherents, among which that rascally blacksmith aforesaid, and about 15 or 20 palatine deserters. Knowing not that their scheme was found out, they thought to take me easily by surprise, and pretended to enter my small fort without difficulty, but they found the gates shut. Not expecting to meet with such reception, they asked the sentries what that meant and why the gates were shut? It was answered, that those precautions were taken against Indians and Christian savages. They then inquired if we took them to be enemies. They were answered that theirs was no manner to visit friends, and that we had good reasons to be on our guard, especially as we saw rascally traitors and deserters among them, as we effectually did see, right before us,—but that, if their Captain Brice, with one of the least suspicious, desire to come in, that I should be told about it, and that I would undoubtedly allow them to come in and speak out what they wanted. When I was informed of it, I ordered them to be introduced under good escort, and the gate to be shut on their heels. As that Capt[n] Brice desired to know why I treated him as a stranger and enemy, I answered that I had reasons enough for that,—that his criminal and reckless design was only too much known to me, but that I should, in due time and place, complain and require justice about these so rash, seditious, and unjust proceedings, such as his and his riotous prowlers.

I asked moreover if this was his way to deal with his superiors? I said that it would be my own capacity and attribution, as Deputy of the Duke of Beaufort, Lieutenant Governor, Landgrave of Carolina and Comander of this District, to arrest him as my prisoner, and to send him, bound, to the Governor, as a turbulent, restless, seditious and foolhardy man,—in order that he be punished according to his merits and as an example to other rioters. That would, indeed, have been done, if I had had sufficient witnesses against him; accordingly, I contented myself by sending them home with a good censure and summoned them to appear before the next Parliament.

If I felt disposed to mention here all the troubles which that Capt[n] Brice gave me, and the insolent things he said & did, against me and what remained of my colony,—as well himself as his adherents and Palatine deserters,—it would take a whole volume; I shall only say a few words about it.

Brice and his adherents reject the suspension of arms, or truce.

It must be noticed here that the contract made with the Indians, of which a copy has been given at the end of my relation or letter, written

to Gov[r] Hyde,—had been consented by me, a prisoner, in order to save my life,—so that I should not have been bound to hold and fulfil it, had I not been willing to do so, since I was, at the time, constrained and in danger of life. However, being not of the opinion *quod hereticis non habenda fides*, I had resolved to abide by it, within the dictates of my conscience, in all that was not contrary to the duties by which I was bound to the English Crown. I had managed things in such way, that, if they had let me do what I thought good, great benefit would have resulted for the Province, and many evils and murders could have been avoided. But that Brice, with his enraged crowd, was so much incensed against those Indians, that, without heeding the voice of reason, without considering how little their own number was, how scanty their victuals and ammunition,—without thinking of so many poor prisoners detained by the Indians or Savages,—without taking any measure whatever,—but blindly, brutally and in a fit of enraged passion, they rejected the suspension of arms, or truce, which I was to propose, and had had much trouble in obtaining,—and dealt at once with the utmost hostility and cruelty against the Indians. True, one had reasons enough to be alarmed and indignant about their invasion and the murders they had committed, but however just be one's cause, prudence and caution are always required.

Importance of that truce and neutrality.

If I had had my own way: (1) by the proposed truce, time would have been gained, and the whole Province, as well as we, could have made sufficient preparations for offensive and defensive action, and been provided with enough victuals, arms, ammunition, and men. (2) I was already at work to save and get back these poor women & children prisoners, and that was indeed the reason that had prevented me as yet to deliver up my ransom: I wanted first to draw these poor people out of the claws of those Savages,—what was granted, with much trouble and danger, in the first interview with the Indians.

N. B. The importance of that fact can be seen in the relation of the Indian war—(*vide supra*). There may be seen how cautiously the Savages had to be handled on account of these poor prisoners; if these poor people had first been recovered, as I had proposed and as it had been admitted by both parties, then, one could have dealt with the Indians more fearlessly and successfully, and perhaps stop that cruel war at its very beginning.

(3) When I was engaged in the most important part of my negotiation concerning these poor people still detained by the Indians, and as I had already gained time, by means of my neutrality and truce, in order to recover what the Savages had taken and robbed from Carolinian Planters, as well as from Palatines & Swiss, and to try to get back as much big & small cattle as possible,—there comes Brice and his gang, more foolish and cruel than the Savages, and, by an inconsiderate attack, which very poorly succeeded, spoils my game to such degree that my whole negotiation becomes fruitless! The black treachery of the blacksmith, and this inconsiderate attack, destroyed all confidence of the Indians towards me, and after that they made acts of hostility also against my colony, whereas up to that time it had been spared (I say: after the agreement made); but after that premature and preposterous deed of the Carolinians, the Savages began again to destroy whatever they could, and the houses of my colonists, however they were excepted and marked with the sign N., (which meant News) were burnt,—the movables, tools and other hidden things, dug up and carried away or spoiled, and the cattle killed. And afterwards the plantations or dwellings on News, Trent, and Pamptego Rivers, etc., were entirely destroyed, everything was plundered, robbed, burnt, and the people killed.

The Christians more cruel than the Heathen, roast an Indian King alive.

What moved the Savages to deal the more cruelly with Christians, was the cruel and more than barbarous proceeding of Brice. He got hold of a few Indians of Bay River, and their chief or King was most barbarously dealt with; he was nearly roasted alive near a fire, so much so that he died. This more than barbarous deed incensed the Indians against the Christians to such degree, that it is not astonishing if they, after that, proceeded also with more cruelty. What angered me not a little, was that one of my Palatine deserters, T. M., had a hand in such an atrocious action, and even declared to find pleasure in it; it was the same who caused the desertion of half my Palatine colonists.

There were, among Brice's gang, daring fellows and men of courage, but unprincipled and brutal. If a part of the Planters or residents of other places in Carolina had behaved better and been less cowardly, the Indians could have been mastered sooner, and less evil would have happened.

Justification of my line of conduct before the General Assembly, complaint about those secret investigations and slanders, directed against me. My dependents themselves!

As it was very important to me to justify the course I had taken in an affair of such nature, where a whole Province was in danger to be ruined and destroyed,—in order not to be charged with it, and that I could publicly expose the enormity of Brice's and his turbulent gang's proceedings,—when the General Assembly was convocated, I did not fail to attend it. First I appeared before the *higher house*, consisting of the Governor, the representatives of the Lords Proprietors, the Councillors, and .....,* or provincial nobility; after I had lodged my complaint and justified my line of conduct, I went to the *lower house*, consisting of the Delegates of Commons. After a short speech on the subject mentioned, I asked who was the slanderer who had secretly informed against me without any official capacity; I asked for his name, and for the production, either in the original or in a copy, of the 20 or 23 articles drawn up against me; I insisted that my accusator should be brought forth in my presence, that I might convict him of falsehood, justify myself and be discharged in due form,—but nobody dared to come forward, or even open his mouth about these accusations. Undoubtedly these false accusers and slanderers had some inkling, or somehow heard how fully I had justified myself to the Governors of Virginia and Carolina, at the start, and seeing that the course I had taken met with their high approbation, they dared not pursue their accusations, for fear of having the worst of it. Among all these circumstances, however, my honor and reputation had much to suffer, and my life was even in danger; among the very Palatines had been found false witnesses; what had I to do in such a wretched state of things? Seeing that nobody would speak, I began to name my accusators myself, fulminating against them and demanding justice, but, alas!—in such a confused Government, where the first fire of sedition was not entirely extinguished, a good part of the members of that Parliament still kept some secret spite, and were good friends with that Brice, who was also a member, and would have been very glad that I should receive some affront, as I had, in their view, sided too much with the Governor; besides they were much perplexed about that Indian war, and I could have no other satisfaction than to see my discourse and defence

*The French copy of the MS. has here the word *caciques* which is spelled the same in English, and seemed too much startling to the translator to be written here without a protest.

received in deep silence. True, the Governor and High House apologized to me and complimented me, and put me off to demand justice, in the form used in time of peace, against these slanderers. Think, my dear reader, how long I should have had to wait to find due satisfaction, *since at the present hour* (A^no^ 1716) the Indian War is not yet finished!

I had sent many letters and memorials to the Govr on this matter, with ample deductions and historical particulars about all what had come to pass in this sorry plight. Any one would pity me, who would know all the cross-accidents which befell me.

More motives and causes of the Indian War.

Since at page [44 of MS.], I mentioned but a few motives or causes of that Indian war, I will add that the negligence and carelessness of the Carolinians were not little conducive to it;—they trusted the savages too much, did not build even the poorest fort, for safety's sake, in the Province, in order to withdraw thither in case of need;—they did not prescribe the least dispositions to be taken in case of sudden irruption—nor had they stored up the necessary war-provisions and victuals. Far from keeping good accumulations of grain and other eatables, they sold, in the very midst of dangers and troubles, whole shiploads of wheat, meat, beans, etc.—for things much less necessary to life, as sugar, molasses, brandy or ("*brandevin*") etc.,—in short, every thing was disorderly and in the worst state of preparation. Instead of assembling one or two small bodies of troops to operate against the savages, and drive them out of the frontier, and from their dwellings or Plantations, every one pretended to keep and defend his own house,—and, of course, the savages had a good opportunity to destroy one plantation after the other; indeed, if the good God had not taken better care of them, than they did themselves, the whole Province would have gone to ruin.

My plan was, in case the savages would not stand by the agreement made, and it would have been impossible to induce them to some good adjustment, to mislead them with my truce, as has already been said [*v.* pages 96, 97, 98 of MS.], so as to gain time to gather men in sufficient number, & necessary stores as well in ammunitions as in victuals, in order, not only to be on a good foot of defence, but even to drive them away from the territory, far more, to render them powerless for harm in the future, so as to have nothing more to fear from them. But it was useless to try to bring those Carolinians to their senses. Those who were less cowardly than the others, went to work in such heedless and thoughtless way, and fell upon the savages with a mere handful of people,—so that

the savages, in far greater number, good shots, and well provided with everything, drove away that poor set of Carolinians, like a gang of wolves does a herd of sheep, and without the help of the Swiss & Palatine colony, they would have been crushed and entirely defeated, as may be seen in the last pages of my Relation—(*v. supra*).

N. B. In that relation, consisting in a letter written to Govr Hyde, I did not mention and could not yet know how this little body of troops consisted only of about 150 men, who were stationed at Bath Town, a small village near Pamptego River. These men had sent word to ours, that at the first signal given, they would come to their help,—and ours likewise at their signal,—but these cowards had never the heart of crossing the River, and left their poor neighbors in the trouble and danger, and after having eaten the bread and meat of the poor residents of that District of Bath County, returned home.

How I fortified and intrenched myself at Newbern, how I supported my whole garrison or colony, with women and children, at my own expense, during 22 weeks, how at last, destitute of victuals, ammunition, without help, I have been obliged to leave my post in order to go where the Government was,—all that may partly be found in the letter written by me to Govr Hyde.

However, the least I can do is to relate also something about that trip I took to the County of Albemarle where the Governor and his Council resided.

After having thoroughly considered the wretched condition of the Province, of myself, and of my colony,—the absence of any assistance from the Province,—the impossibility of supporting us at length in that way,—(being even reduced to the last extremity,)—the manner in which all the colony had been destroyed and ruined by the invasion of the Savages, in which circumstance 70 persons were miserably murdered or carried away prisoners, as stated above, their houses, movables, and tools burnt and stolen, the greatest part of the large cattle killed,—the remainder being consumed for our subsistence;—the delay and refusal of any help from our country, its distance,—the little hope there was of ever recruiting from such considerable loss, and of founding again a convenient settlement,—again, the poor Government and the unhappy situation of the Province and of its inhabitants,—after considering, I said, all that and other good reasons,—I saw myself compelled to think more about my interests, and to take other measures. I opened my mind to several persons of distinction, my protectors and friends from Virginia and Maryland,—and they unanimously advised me to take other measures, and made me

very obliging offers, inviting me to come and settle with my whole colony, —what I highly appreciated.—Seeing my colony broken up, inasmuch as half the Palatines had left me, I took the resolution to change quarters with the remainder of the faithful Palatines and the small band of Swiss. I therefore had my little sloop mended (a kind of brigantine), for this voyage, and packed up part of my clothes, intending, if I could not obtain better assistance from Govr Hyde and from the Parliament or General Assembly, to proceed further to Virginia and Maryland.

Other measures taken, in our distress and want of any resources,—inasmuch as not one bushel of wheat remained to us, from our provisions,—and I had entertained them for 22 weeks, without any help from the Government or Province.—My voyage to Court,—and further on to Virginia. A phenomenon on the mast of our ship, which foretold a great storm, which really happened.

After I had called together my poor colonists and spoken to them of the necessity of changing our plans and quarters, if the Province would not assist us better than it had done in the past, that poor people, who only knew too well, and by their sad experience, in what distress we were, —readily assented to my proposals.—I however comforted them the best I could, and asked them to have a little patience and hold out some little longer, telling them I should travel with all possible haste, and make all the efforts which might be conceived, in order to get them some help in victuals, as well as in men and necessary ammunition. I therefore went on my voyage and started by a fine weather and a most favorable wind. But, alas! it did not last long, and that voyage was not very happy; for already in the evening, when we were nearly at the outlet of the River, and at the point of entering the sound, something remarkable happened. After sunset, at the top of the mast, suddenly appeared a little fire, about the size of a big candle's flame, which made about the same noise as an ascending rocket; it lasted for about one good quarter of an hour, and we were looking on with great attention and surprise. We asked the patron of the vessel what it meant; he answered that it did not mean anything good, and that, before night, we should have a great and dangerous storm, that, accordingly we ought to sail towards land, in order to find some shelter,—but, not paying attention to his warnings, I told him, with a smile, to go on. He had hardly gone for a league, when suddenly the wind changed and became so violent, that, night being near, we were glad to see some land in view, in order to draw nearer and cast anchor. We had hardly been able to land, when

such a terrible storm arose, that if we had remained on the Sound, we should certainly have been lost on the sand banks which are found in it.

The danger of perishing on a sand bank.

We remained over night at the home of an English planter, who lived thereabouts, received us very well, and had for us all kind of attentions. He was a "Shaker"—though an honest man,—and at my first arrival in the country had been of great help to me, supplying me with victuals and cattle at a reasonable price. On the next day, after having thanked our benefactor, we started again, the wind having fallen, but, in the evening, as we were in the midst of the Sound, which is a little sea between the land and the downs of the Ocean, we struck a sand bank and the ship made such a crash, that we believed she had split in two, and were greatly frightened; however, she did not go under, we accordingly took courage and made great efforts to get away from that bank, but our greatest fear was that when at last we should get off, then we should feel the effects of that bad collision, and that, the ship being free, the crack would gape asunder, and we should certainly go under; but, by a special grace of the Allmighty, there was no such accident, and when the tide came in, and the wind was somewhat more favorable, we crowded all sail, got loose with some trouble, and thanked our good God to have delivered us from such great danger.

A contrary wind keeps us for several days on a bank among reeds.—We strike against a rock, consisting in oyster shells.—Arrival at Governor Hyde's, where I stay six weeks.—I get a sloop or vessel ready, full of provisions, for my colonists.

On the third day, we again had a violent and contrary wind, and were obliged to cast anchor on a reed-covered bank, where we remained in safety for several days; at last, by a 4 of wind we crossed a channel through those reeds, and were again unlucky enough, to strike a rock or big oyster-bed, where we had half a day's hard work to get away, and were obliged to await high tide to get rid of that place. We went on with a favorable wind, and came at last to the appointed place; it was high time for it, we had nothing more aboard to eat or to drink, as we had thought to accomplish our voyage in twice 24 hours, and it took us 10 days. This was the consequence, foretold by the patron of the ship, of that sign which we noticed on the top of the mast.

Having been obliged to stay more than 6 weeks about Govr Hyde, as well to attend Council and to apply myself to the public business of the Province, as to get together the necessary eatables and war ammunition

for my nearly ruined colony, I could at last, not without much trouble, send back my sloop or brigantine loaded with wheat, powder, lead, tobacco, and some brandy to Newbern.

A great mishap: the fire catches the tobacco leaves.—The ship put in a blaze by the powder-keg.

But alas! what a misfortune happened! My poor people were waiting in vain for the promised help: when the sloop had nearly crossed the Sound and got to the outlet of News' River,—the 3 sailors, thinking themselves out of danger, drank too much rum or brandy, and fell asleep, without extinguishing the fire on the hearth. Sparks from the still burning wood flew among the tobacco-leaves which were not far from there, they took fire, and the smoke woke up the sleepers. They were much surprised and frightened, so much so that, for fear the powder-barrel would burst,—without taking any pains to put out the fire, though they had plenty of water so near at hand, they only thought of their own safety, went into the small boat, and left the ship. Indeed, before they reached the shore, the fire caught the keg of powder, which instantly did burst and blow up the whole ship in a blaze.

Main cross-accident.—6th mishap.

I leave it to think to the reader what very sad news these were for my poor people of Newbern, who, nearly at the point of dying out of mere starvation, sighed with "gaping mouths" for that long desired help, and what a heart-sore for me to see my poor dependents deprived of that assistance. I well understood, however, that even that small help would not be snfficient, and would just give them some little respite, and I made all efforts to load my heavier brigantine with the same kind of goods as the other, but I was so much delayed and things went on so very slowly that I became quite down-hearted, and well foresaw that such tergiversations, in such circumstances, would bring us to a wretched state of affairs, and that it would be a mere impossibility to subsist in that way, in the long run.—I therefore disposed affairs in such a way that my colonists could use those same provisions which I got together for them, to come on that same ship "with M. M." to Virginia, but, as stated above, the whole business was dragged on to such length of time, that I began to grow tired to stay at the Government's seat,—where every thing was going on so badly that it was a real pity!

Before, however, I come to relate my voyage to Virginia, it will be well to mention what we made, in the long time we spent at the government's seat, for the Province's good and safety.

Remonstrances for the Province's safety.

After I had, therefore, remonstrated to Govr Hyde & the Council that we had to take better measures than in the past and to introduce a better order in public affairs,—that, if we did not, we should very likely perish, all of us, by the hand of the Savages, we began to examine and consider things somewhat nearer, so as to meet the most pressing emergencies,—but I must say I was astonished to find so many ignorants and cowards.

(1) Above all, a sufficient quantity of victuals had to be stored up; if not, it is and was impossible to make war, especially against savages. However, those Carolinians have been so light-headed, that, far from accumulating the necessary provisions, they have sold grain and salt-meat outside of the Province; Therefore urged instantly the Governor to publish a severe interdiction, in order that nobody should, under heavy fines and pains, export or sell any eatables whatever outside of the province.

(2) That we should get exact information as to this question whether the Province could produce grain in sufficient quantity for such a long war? We found, indeed, that this was not the case, by far, so that it was necessary to get some from the neighboring provinces.

(3) Since neither the Province in general, nor the people themselves were sufficiently provided with powder, lead, and arms, some were to be ordered from elsewhere; but they did not know where to find the money for that purpose, and the Carolinians were so poorly considered, that they would have found none on credit. I accordingly was compelled to see if the Governor of Virginia would not give us a lift.

(4) Supposing that we should have met all the exigencies above stated, what was to be done with so few people? We could hardly gather 300 arms-bearing men in the whole province, and part of them was neither well clothed nor well armed, had no ammunition, and felt not at all inclined to go to battle. Thereupon, I was commissioned to speak to the Govr of Virginia, and to prevail on him, in order that he would be so kind as to give us men and sufficient provisions,—what he really offered to do in the name of the Queen of Great Britain, provided a settled salary would be paid to the soldiers and the eatables and war provisions returned. This did not please the Carolinians; they objected they were not able to return such sums of money,—that the Governor ought to do it at her Majesty's expense, what was found ridiculous: "why should, indeed, the Queen contribute to such an extent for a Province from which she drew no income?" The Lords Proprietors draw it, and they should also pay the expense and charges. This was the cause that some

persons went to the Gov[r] of Virginia, to feel their way with him, if he would perhaps take under his protection the Province of Carolina, what he refused by good considerations.

(5) It was also proposed that some place in the Province should be fortified, as well to be able to retire there in case of need, as to keep there in safety, but nothing was done.

What was to be done in such a wretched state of affairs? During all these tergiversations, the savages became fierce, on account of such poor resistance, broke forth, attacked and pillaged one Plantation after another.

Last resource: a delegation for help, to South Carolina.

The last resource was to send at once delegates to South Carolina to ask for help, which was obtained, and without which the whole Province would have been lost.

Col. Barnwell comes with 800 *tributary Indians & 50 Englishmen.—Col. Barnwell's attack upon Cor-village.—The King of Cor and his force are beaten.*

The Government of South Carolina sent 800 tributary savages, with 50 Carolinian Englishmen, under the command of Col[l] Barnwell,—all provided with arms, powder and lead. The seat of that Indian war was near my quarters of Newbern. As this body of troops had arrived, the war broke out in due form, and those tributary savages, at the start, pounced with such fury upon part of the Tuscoruro nation, that they were appalled, and the savages of North Carolina were obliged to intrench themselves in a fort which they built. Thereupon the relief-troops from South Carolina, after having received orders at Newbern, marched against a great Indian Village, called *Core*, about thirty miles distant from Newbern, drove out the King and his forces, and carried the day with such fury, that, after they had killed a great many, in order to stimulate themselves still more, they cooked the flesh of an Indian "in good condition" and ate it. As this help came from S. Carolina, we levied 200 Englishmen from N. Carolina under the comand of Cap. Boyd with a few friendly Indians,—and 50 men from my colony, commanded by M[r] Michel.

The Indians, posted near the village of Catechna, fortify and entrench themselves.—The besieged Indians hold their ground, and the Carolinians are compelled to raise the siege.

This expedition, a body of troops consisting partly of Christians and partly of savages, went into the woods, and took position before a great

village, called Catechna, where I had been a prisoner before (as stated above); in that village had retired and were posted our savage enemies, a medley of Indians from the Weetock, Bay, News, Cor, Pamptego rivers, and a part of the Tuscoruro-Nation. They were so well intrenched and fortified that, on our first attack, we could not get the best of them, but the main cause was that the orders had not been well obeyed. The attack was to take place on several sides at once, but Cap. Brice, with his gang of tramps, were too hasty, and began before the time appointed, and when the others were not yet ready,—and, on their account, the whole affair was carried on in a disorderly manner; several of our people were wounded, a few killed in that way, without doing any harm whatever to the besieged,—and our men were compelled to retire.

My proposal to use a few big guns at the second attack.—The above stated cannons work splendidly.—The besieged Indians beg for a truce: it is granted under condition of the liberation of the christian prisoners.

When these sad news were brought to the Council,—as we then were assembled,—we set our wits to work, in order to find some means of holding our own better against our enemies. My eyes accidentally fell upon some 6 or 8 cast-iron-guns which were laying in the yard, removed from their carriage, rusty, and full with sand, and proposed to repair two of the smaller ones, the best one could; and to send them to our people, in order to use them on the second attack to be made, but my proposal was at first considered as ridiculous. They objected to me that it was impossible to carry them across the swamps, the ditches and woods. I answered readily, as I well remembered what an officer dependent of the bailiwick Yverdon, Capt[n] Taccard from Saint-Croix, had related to me, of the stratagem he used at the siege of an important fortress in Flanders, (and which indeed made his fortune). I proposed that every cannon would be brought on some kind of shafts, with one horse in front, and another behind, what was done; the other necessaries were supplied, and it all did splendidly succeed. Indeed, the first approaches being duly made, two balls had hardly been shot into the fort, with a few grenades, when the Indians, who knew nothing of such inventions and who never had heard such loud reports, were so much frightened, that they begged for a truce; a council of war was held, and it was concluded that it should be granted, with the purpose of an advantageous peace. What induced our staff to that was the presence of the poor christian prisoners, who were confined already since the first slaughter; they called out from the Fort that if we should take it by storm and take no heed of

the enemy's proposal, they would all miserably perish. Accordingly, a capitulation was made, under condition that the poor prisoners would be immediately set free, what was done at once.

Our troops return to Newbern.—Col. Barnwell discontented.—His treacherous stratagem: breach of truce.

Thereafter, our troops returned to Newbern to refresh themselves somewhat, for they were badly provided with victuals. As the Province had not fulfilled the expectations of Col. Barnwell, who had hoped for greater honors and gifts from the Carolinians,—as even his men had not received the necessary provisions, and were dissatisfied as he himself was, he thought of some device to return home with his forces in a profitable way: under pretence of a good peace, he lured a great part of the enemies to the surroundings of Cor-village, where he took them all prisoners. This suited the tributary Savages very well, because they got so much a head in goods,—and they returned joyfully to South Carolina with their savage prisoners, but that Col. Barnwell blotted out, by such a black deed, all the praiseworthy things he had done before.

The Tuscaruros, much incensed at that breach of truce, fortify themselves better and make great ravages.

This breach of truce and most detestable deed of a Christian did not fail to greatly incense the other Tuscaruros and Carolinian Indians, and justly too, since they evidently could have no more confidence to the Christians. They accordingly fortified themselves still better, and made terrible raids along both rivers, News and Pamptego, and the last troubles were worse than the first.

Complaints to the Government of S. C. against Barnwell. Solicitations for some new help; granted, under Capt. Moore.

This compelled us to bring a serious complaint against that Col. B. and to solicit new help from South Carolina, which we obtained, though not so strong as the first, under command of Capt Moore, who behaved better than the first.

New attack against the Indians and the same fort as before. It is taken by storm. 200 *Indians burnt.* 900 *in all, men, women, & children, made prisoners or killed.*

After calling together as many men as possible, they began anew the attack of the Indian Fort near *Catechna*, the other name of which is *Hencock's Village*. This siege was more successful than the first, and

achieved in little time. There was in one corner of that fort a sort of a redoubt which our men contrived skillfully to set on fire, and 200 savages were burnt. In the fort, many were killed, and they defended themselves very well, even when their women and children were taken prisoners, and our men went for the provisions which they had hidden underground. There were wounded savages, crawling on earth, who tried to hurt the victors.

In that action, it was estimated, that there were about 900 killed, as well as prisoners, men, women, and children. Of our men and the Indian tributaries, many were wounded and several killed.—After that, we had a little rest, though some of them, who were scattered about, would now and then assail a few plantations.

First steps towards peace.—Peace concluded.

The question was, how to protect us, for the future, against the remaining savages and their neighbors. We called the neighboring Kings together. (N. B.—These petty kings are properly only the chiefs over a certain number of Indians; however, the title is hereditary and goes over to their posterity). Six or seven of those kinglings complied with the summons, and after several successive conferences, we made a peace such as we desired,—so that there is nothing more to fear,—the Indians located in Virginia, tributaries of this last Province, are answerable for that peace, and the remaining Carolinian Indians have presently become tributaries of the Province of North Carolina, or rather of the Lords Proprietors.

Situation of my poor colonists.—Some relaxation granted to the colonists.

In the meanwhile, notwithstanding that peace, our poor colonists were not in the best plight, but scattered here and there among the English & Carolinian Planters; some returned to Newbern where they could farm some little. Besides, I had allowed all to leave their Plantations for a couple of years and to go out to service at the wealthiest Planters', in order to spare some little means besides their living, and afterwards to go back to their Plantations, discharging them, for those two years, of their standing rents. To Mr M. and the Bernese I let know that, according to what had been agreed upon, I went to Virginia and was going to take the necessary steps to secure there some safer establishment,—it being impossible to me to reëstablish with my own strength and means a Colony in such a wrecked State,—the more so that there was very little prospect and hope of any more assistance from my home.

Arrival in Virginia, at the Governor's.

I accordingly took leave of the Governor & Council of Carolina, and went to the Govr of Virginia, who received me very favorably, and who, at my request, granted me the escort of a well-equipped man-of-war, on account of the privateers, which was indeed a great favor to a private individual. Thereafter I sent word to Mr M. who was to take the lead of my people, and which was present at a conference on the boundary of Virginia & Carolina, where the Lords Governors Hyde & Spotswood conferred together. The day was, accordingly, appointed, and the place where the man-of-war had to be passed was *Coratuck Island* (North Carolina); with the conviction that all that would succeed perfectly, I went on my way further into Virginia, along the big river Potomack, and to Maryland, in order to secure quarters and the necessary provisions in victuals and cattle.

Arrival in Maryland and at the Potomack falls.

The place where we were to meet was at a very gentlemanlike man's, "Mr Rosier," near the Potomack-falls, where a few gentlemen from Pennsylvania, who had some interests common with us, had come to meet me, in hopes of seeing at last how things stood about this beautiful and rich silver-mine, about which Mr M. had talked so much and for the search of which they had already supplied so much money.

My trip above the Potomack falls.—Arrival at Canavest.—An alliance with the Canavest Indians.

We remained at that place for some time, without hearing from Mr M. nor from that small colony which we awaited impatiently from one day to the other,—the queer behaviour of that fellow made us nearly doubt, and not without reason, the reality of his assertions. We therefore resolved to go ourselves and visit the site of the mines, of which he had given us a map; we accordingly took due preparations for that trip, though a dangerous one,—and, as I had planned it some time ago, and before having any clue to that meeting, I took every precaution, and gave advice of my intentions to the Governor of Virginia, who gave me letters-patent, and even issued injunctions to the guardsmen on the boundary ("frontier-guardsmen,") to follow and escort me at my first research and at any request of mine. When we came to *Canawest*, an enchanting place, about 40 miles above the falls, we found settled there, a crowd of savages, and especially a Frenchman from Canada, called Martin, a carter, who had married an Indian or Savage woman, and was highly

considered among the savages of Pennsylvania & Maryland. Induced by the splendid "advances"* of Mr M., he had settled there, having left Pennsylvania. This same carter Martin had also made the voyage to S. for the search of the Mines, with that Mr M. and spent a heavy sum of money for it. That man warned us that the Indians which were in the vicinity of that S. mountain, where the mines were supposed to be, were much alarmed on account of the war which we had with the Tuscoruros, and that we ought not to risk so dangerous a trip without necessity. We took his words into consideration and postponed that trip to a more favorable time and occasion. We, however, made an alliance with the Canavest† Indians, which was most necessary, as well on account of the mines which we hoped to find thereabouts, as for the settlement, which we had resolved to make in that region, of our little Bernese colony, which we expected. After that, we visited those beautiful sites, those enchanted islands on the River Potomack above the falls.

We ascend Sugarloaf mountain, where we find a very extensive view.—Return to the Potomack falls.

From there, on our way back, we went on one high mountain only, called, on account of its form, *Sugarloaf* mountain.‡ We took with us a surveyor, the carter Martin above mentioned and a few Indians. From that mountain we saw a great expanse of land, part of Virginia, Maryland, Pennsylvania & Carolina. Using the compass, we made a map, and specially noticed the S. mountain, where the silver mines were to be. We found that that mountain was situated in Virginia, and not in Pennsylvania, as according to the map given us; two of these Indians happened to know that mountain's situation, and told us that they had roamed thereabouts and had been in nearly all the nooks of that mountain, but had found no minerals, and that the map given to us was not correct, what greatly surprised us. We discovered, from that summit, three mountain-ranges, one higher than the other, and beautiful valleys. After we had gone down from the mountain, we spent the night at that man, Martin's, the carter's, and, the day after, we went back to Mr Rosier and stayed with him, below the falls of that great river Potomack, where I remained some time, waiting for my people. The remnant of the com-

*Promises,—I suppose. (Translator.)

†Spelled sometimes Canawest, sometimes Canavest, by De Graffenried. (Translator.)

‡De Graffenrd spells it Sugar love (!) but there is no doubt as to his real intention, as he gives the French meaning of sugarloaf (pain de sucre). The Germans are prone to change v into f, and reciprocally. Hence his error. (Translator.)

pany took their way to Pensylvania, disgusted at M.'s tergiversations and queer behaviour.

A few reasons to show how easy it was to be duped by M. Many, more clever than I claim to be, having fallen into the snare.

It is to be noticed here, that Mr M., whom I do not name here,* out of regard for his family and relations at Bern, (who are distinguished people), has fooled many people by his tales about these rich silver mines, —and if I was duped myself, it is no wonder, being a stranger in these countries. My motives were the following: (1) I thought a man of his family was wholly incapable of such a trick, especially towards a fellow-countryman; (2) the ore which he had exhibited had been tested and found rich; (3) So many people from Pennsylvania & other neighbouring provinces had openly made the trip, with permission of the competent Governors, for the discovery of these mines, there really appeared to be some facts at the foundation of the whole matter; (4) Among others, a merchant from Pensylvania was interested in it, a very able man,—a skillful goldsmith, and other persons who were supposed to know the region well. Seeing that these clever people, raised from childhood in these countries, some even born there, risked important sums in that business, I could not imagine that they had not taken every kind of precautions and sureties. About this humbug, an elaborate history could be written, and funny enough would it be, but I go on with my narrative.

As to me, I should console myself of my loss in this matter, however important, for my whole enterprise was based on that supposed foundation,—but I pity the poor miners, who left what certainly they had in Germany, for uncertainty in America. They had a good handicraft, and now they have nothing but what they can get from some cleared land, where they have to live in the scantiest way.

This be said, on the way, to show that I was not alone to be caught. What is more surprising, is the fact that Mr M. had made a contract in due form with the miners, and made a voyage to Holland in order to meet the head-miner, who had to get together all necessary tools and things for this enterprise, at an expense of nearly 1000 Lb. Strlg.

In short, all circumstances seemed to be real & solid. Mr Penn,† Proprietor of Pennsylvania, was thoroughly acquainted with all these

*The man is evidently Mr. Michel, named at page 120 of MS., as will be tested by comparing my annotation (page 115 of MS.), the statements of page 115 and those of pages 126 & 127 of MS., (Michel being the leader of the colonists). (Translator).

† De Graffenreid spells Penn: "Penne" (French e mute). (Translator).

facts, and favored us greatly; he even appointed Mr M. as Director-General of all minerals in his Province, *and things went accordingly, as far as a very important contract.** Who could, amidst such proceedings and among such circumstances, doubt the reality of facts?

Fine situation of the lands above and below the falls of Potomack River, where we aimed to establish a colony.

I believe there are hardly any finer and better situated sites, in the whole world, than that of the Potomack and Canawest, a region which we thought of dividing between two small colonies. The first was to be just below the Falls, where are found a very pretty island, very good lands, and, on the opposite side, a place, between the great river Potomack, and another small river called Gold Creek, (which means in French, "Riviére doreé": [gilded stream.]), *very convenient to receive whatever comes from the upper River, as well as what comes down from* ABOVE (*below?—Translator*) *the falls and surroundings;—the biggest merchant ships may sail there.***

Arrival of a messenger from Carolina. He brings bad news about my brigantine.

The other colony was to be located near Canavest, as may be seen by the map.† Having received in two months, not the slightest news from Carolina, I at last got very bad ones by a special messenger. Mr M. informed me in a few words: "That the bearer of the note wished to get the command of our Brigantine, and that I was to agree with him. That, as my brigantine had brought to News the long wished for wheat, it had run aground on its return, on a sand-bank, that it was in poor condition, and had been worm-eaten in hot weather, wanted new sail ropes and other implements, that it was sunk deeply into the sand and could not be got off from there,—that I was to go to Carolina as soon as possible." He made no mention whatever of the man-of-war sent from Virginia to meet it, and of what other had happened during such a long space of time. This so disgusted me, that I was for dying of grief and

*I give, above, the only plausible translation of an otherwise incomprehensible sentence.

**I acknowledge that the whole underlined sentence shows very little sense,—but it is a faithful translation, absolutely literal. Evidently, the word "above" (dessus) seems to be there for below (dessous). (Translator.)

†The authenticated copy of the MS. says nothing of that map, probably lost. (Translator.)

weariness; such bad news and strange intelligence absolutely stunned me, so that nothing would have been more likely, than the shock had turned my brain.

After so much pains taken, all orders given, and the necessary provisions made,—and all that for nothing!—I sent the Cap^{tn} back not much pleased, with orders, however, to repair the ship as well as possible, and most quickly, since she had only a little way to go, along the seashore.

I wrote also to Col^{l} Pollock, as being better supplied than any one else: "Since the vessel was in the Province's service, every thing of absolute necessity was to be provided;" I added, that I should look to the other things wanted at Virginia's expense. But everything was put off in such way, that, if I wanted it to be done, I had to go myself.

My return from the Potomack to Virginia, and arrival at the Governor's.—My surprise to hear such bad news from the Governor. He tells me how the man-of-war had sailed uselessly to Carolina.

When, being on my way, I went to the Govr of Virginia, I found him looking cold and indifferent, and quite changed towards me, and I could not imagine why; at last, that lord himself explained his attitude, but with heavy reproaches, asking what consideration we had for him,—that he would have hoped to see his attentions better recognized, as well as his services, which were so considerable, and which he would certainly not have rendered to any individual whatever,—that instead of showing him due thankfulness, we treated him most flippantly, and so on. Abashed at what I heard, I excused myself, without knowing well what he was aiming at; I asked for an explanation, though, and the Govr went on: "Yes, yes, your fine fellow M. has played me a foul trick,"—and proceeded to tell me, how according to our agreement, he sent a well-equipped man-of-war to fetch the Brigantine & my people, to escort them,—how the Cap^{tn} of the ship, after waiting nearly for six days before Coratuck Island, became impatient, as nobody came near him,—how he had sent his Lieutenant in the yawl, in order to inquire for news of my Brigantine and people, which nobody knew anything about it,—how, drawing near to a small village called Little River he ascertained, at last, that Mr M. was at New Bern, and *the Brigantine stranded on a sand bank*, in poor condition, and that it could not be tugged away,—how the Lieutenant having heard of that, brought the news quick to the Captain, who was indignant, after having made a *useless and dangerous* voyage, not to have been told what had happened,—inasmuch as, if a storm had risen at the time, he would have been obliged to take to high waters,—

or he would have gone under with his crew, if thrown against the land, the water being very shallow at that place;—and how, consequently, without waiting any longer, he had sailed to Virginia.

Cross accident.—7th mishap.

This unpleasant narration being over, I thought of fainting right away, overwhelmed by surprise, grief, and shame, at the idea that a lord of his character, to whom I had such obligations, who had done me so much good, and had such attentions for me,—to whom, after God, I very nearly owed my own life,—had been trifled with in such a way. I offered him the best excuses I knew, and told how strangely I had been deceived myself, when I was already quite ready to settle near the Potomack falls, and how I was sadly puzzled how I should get out from such a labyrinth.

The Governor then presented me with a glass of wine to refresh myself, and began to say he was sorry for me, that I had to deal with such a queer-headed fellow,—advised me to part with him, etc.

My departure from Virginia to Carolina.—My arrival in Carolina.—My request that my brigantine should be repaired at the Province's expense, since it was wrecked in its service.—My brigantine given over to the Province.

Having spent the night at the Governor's and received many attentions, I set out in great haste for Carolina, in order to take the necessary measures. As, formerly, I had also ordered sails & ropes to repair the Brigantine as wanted, at my arrival at Mr Hyde's, (the Govr of Carolina), I heard thoroughly of what all had happened, and I do not know of what more! I first wrote to Mr M. to get a thorough information about every thing, but he gave me no satisfaction, and I had to summon him to come to me, in order to take the needed measures about one thing and the other, but I was not obeyed. I accordingly tried to advance matters in some other way, and asked the Governor and council that, since the Brigantine had been thus spoiled in the Province's service, it was only just that it should be repaired at public expense,—and my request was granted. An able man was accordingly sent to that purpose to examine and repair the Brigantine, but I was so badly provided with eatables and other means, that he even returned very sick, the great heat having injured him. He informed me that the Brigantine could not hold out much longer, as it had been exposed to heat through all summer, worm-eaten, and that it ought to be rebuilt all over, but was not worth

such work. I accordingly gave the Brigantine over to the Province, and I wanted it to be estimated at the same figure as when it entered the Province's service, but they hardly assessed it at half-price, and that is not paid yet, any more than the value of the smaller one, which was blown up by that powder-keg which took fire. (See page 114 of MS.)

N. B.—From this point of the narration, to the following N. B., I could well suppress the facts about Mr. M. as doing me not much honor;—I however have recorded them, in order to justify myself before the Society,—as well as before the miners.

Where, meanwhile, had I to go with my people?! I wrote again, with the most strong expressions, to M., requiring a conference, in such delicate conjunctures, considering moreover that the creditors began to stir, and wanted to be paid. I got no answer, but I heard that M. was packing up every thing, under pretence of putting my movables in safety, with the intention of going to S. Carolina,—that he had already induced a few Palatines to go with him. Such a fraudulent trick obliged me to take other measures,—and I was warned to put my property in better hands,—but too late. As Col. Pollock, to whom I owed an important sum for provisions lent to the Colony, began to become suspicious, what may be easily understood in the circumstances, I requested him to have a legal inventory taken, by sworn commissioners, of all things belonging as well to the Colony, as to myself, but my best things were already gone.

My remonstrance to Mr. M. about the grievous circumstances,—and the needed remedy. I get no satisfaction.

When I thought of the whole behavior of M.,— how he had disposed things in such a strange way,—and misled all interested people,—I could not but suspect evil, and wrote to him, for the last time, remonstrating, historically, about all facts that had come to my knowledge from different sides,—not reproaching him as yet,—but showing that "should he be suspected, he had given himself many reasons for it, by behaviour & tergiversations, what would be easier to say than to write. Things being carried so far, we had to take strong resolutions,—and it was absolutely necessary, that we should speak over these matters thoroughly, and adopt the last possible measures,—that there was *periculum in mora;*" but, instead of a conference, I got nothing out of him but an ambiguous and unsatisfactory letter. I believe he was glad to find a pretext for *giving a specious appearance to his tricks, and to get*

*rid of what he could not accomplish according to his designs.** I should have ample reasons, not only to complain of his inexcusable proceeding, but to resent it keenly; however, in order to spare his respectable relations, I do not mention many things about him, and there would be, for me, no glory in revenging myself on a wretch of his sort.

That rogue, M., proposes an establishment on the Mesesipy.

There were such extravagant things in that letter, that it did really show that not only I had been duped, but many others;—especially did M. mention a new enterprise, which he thought a great deal of, viz: to settle a colony along the *Mesesipy* River—to which 3 crowns pretend to have claims: Spain, France, and England,—he expressed the opinion, that the State of Bern, being neutral, could obtain at once this region from those three crowns! But it has to be considered: (1) That these powerful States are jealous among themselves, and none of them would yield to the other; (2) that the State of Bern is absolutely unable to assist and maintain such a far-off country, as it has no maritime forces. It may be easily seen, therefore, that M. was most hazardous in his calculations, and that such freaks, from Pennsylvania to Maryland, from there to Virginia, then again to North Carolina, afterwards to South Carolina, and at last on the Mesesipy,—will not do, by any means!

The conclusion, concerning the silver-mine of Virginia,—or Maryland,—is soon drawn from what has just been said: if there was anything in it, why should he leave it then and there to stray towards the Gulf of Mexico!

N. B. My hair stands on end, when I consider how many families have been endangered and ruined, for having too easily believed in that alleged Silver-mine. I especially pity so many miner-families who left their country, on the faith of a formal contract, came at great cost to America, and there, found neither Mr M. nor nobody to show them where the mine was to be. I must make an end of this grievous matter; if not I should go too far into it, and there would remain no space for other topics; indeed, this was not my intention as I began.

I am compelled to stay at Governor Hyde's, until the conclusion of the Indian peace. Everybody sick at the Governor's. His death.

I come back to my narration about Carolina: having thought about all those matters, and considering what little help I could hope to get

*I acknowledge that this passage (underlined) is obscure, but it is literal. (Translator.)

from Bern,—where my bills of exchange, one after another, were protested,—some remedy was to be found, in such unpleasant circumstances, and in such pressing necessity. I however did not in the least think of returning to Europe,—as I still had 2 negro slaves at Governor Hyde's, my property, and thought to take them with me, in order to employ them near Canavest; I thought, indeed, of settling among the Indians of this latter country, and to attract there several colonists from Carolina, according to their great desire and express intentions. But Govr Hyde detained me so long, (peace being not yet fully ratified with the Indians, he insisted upon securing my presence at its conclusion), that one of my creditors contrived to cunningly watch my negroes, in order that they could not escape. Meanwhile, we all became sick in Mr Hyde's house, in consequence of the great heat, and also, probably, of eating too many peaches and apples, so much so, that at last the Governor died [Sept. 1712] in a few days, what also did me much damage,—for he was my good friend. This death nearly drove his wife, Mrs Hyde, to despair, and she instantly begged of me, with tears in her eyes, not to leave her in such sad circumstances, but to remain with her until everything would be settled, as well in reference to the Government affairs, as on account of her claims and of her husband's inheritance. She further argued, that according to the law and to my rank, the "Presidial"* belonged to me, as being Landgrave of the Province, adding that she had lately perceived, at London, from the Lords Proprietors that, if there was to be a vacancy, they would entrust me with the Government. But I civilly thanked her, and pointed to other motives which prevented me from accepting it. I however promised to stay a couple of weeks, in order to help her as well as I could to despatch her business,—though mine was certainly quite as pressing.

The Council of Carolina offers the Presidial to me.—My refusal of the same.—Col. Pollock accepts the Presidial.

After the burial, Col. Pollock, the oldest in the Council, came to me, with the other members, and asked me to accept the "Presidial," what I refused for good reasons, pointing to the fact that Col. Pollock, as the oldest member, as well in years as in the Council itself, ought to accept that office,—that he knew better than me about the affairs of the Province, as I was an unexperienced stranger, and he accepted at last, with many compliments.

*I suppose that, all through this page, by "Presidial," is meant for Presidency. (Translator.)

The LL. Proprietors delay for six months the election of a new Governor. Mr. Eden appointed Governor of N. Carolina.

The Lords Proprietors, however, were told about all these proceedings, —and it was suggested to them, that if the Government was given to me, I should not refuse it, but that I would not ask for it, what also met with their approval, "without further consideration, as formerly." But, as it was known, that I was heavily in debt in Carolina, and that already a few bills of exchange of mine had been protested, the question was delayed, until some notice could come from Bern, where I had written, to know for certain whether payment would follow or not. It is also customary that the claimants appear themselves for application in such circumstances; accordingly, six months passed away without any election of a Governor, although several persons had applied in London,—and the actual Governor, M[r] Eden, became justly impatient, the more so that for such a long time no notice came neither from Bern, nor from myself. The LL. Proprietors at last elected and instated the said M[r] Eden,—whom I still met in London, had a conference with him, and recomended to him, at my best, my interests and those of the colony, which he promised to look after,— and offered me in all sincerity his aid,—which to give me he was also commanded by the LL. Proprietors.

My stay near London, at Sir Colleton's, baronet.

When I lately passed through London, I stayed, after my arrival, seven days at the country house of Sir Colleton, knight and baronet, also a Lord Proprietor, and my good personal friend,—his residence being 6 miles distant from London.

He was delighted to see me, and also very sorry that I came too late, saying that, if I had arrived only one month sooner, I should be at this hour Governor of Carolina; I was not very sorry for it myself, as I was unfortunately well aware, that they did not feel disposed, in Bern, to pay my debts, my relations as little as the Society, which feels discouraged by so many annoyances.

My departure from Carolina.—Arrival in Virginia.—I go on my way to Maryland.

I have nearly lost my way, and, instead of going to Virginia, I have come to London! . . . . . To take up my narration where I left it, a few days before I took leave of M[rs] Hyde, the Governor's widow, I sent secretly word to the negroes, by my footman, to cross the river by night, without noise and secretly, and to wait there for me to go with me to

Virginia, which suited them very well, (since they were dealt harshly with), but I do not know how they did, something was found out and they were arrested; so I had to leave them behind me, what seriously changed matters. I started accordingly, and came soon at Gov. Spotswood's in Virginia; I told him of all my annoyances and he much pitied me. But I remembered the meeting appointed with one of the interested parties on Potomack River, and did not stay long at Williamsburg, but went on my way to Maryland, hoping to find him at M[r] Rossier's, near the great falls, and to take with him the last measures. But, when I thought of crossing the River with my horses near the pointed foreland of Maryland, a great wind arose and prevented me. As soon as it fell, I went on, crossed, and went towards the Fall.

Not finding in Maryland the people I came to see, I go back on the same way.—My return to Virginia.

When I arrived at M[r] Rossier's house, I found neither him nor his wife, nor the person above mentioned; the first had gone visiting at some relation's at the distance of one day's travel, and the other gentleman had just gone away the day before, thinking to meet me in Virginia. Though very much tired by such a long voyage, I just stopped to take a little food, and went the same way back, so fast that my horses were overrun, and that we were compelled to walk one day on foot, before arriving at Williamsburg.

Immediately after my arrival, I asked whether M[r] M. was there, but I heard that he was at *Hampton or Guiguetan*, the first seaport of Virginia; I sent immediately my footman there, with a hired horse, but he did not find him, because that gentleman was glad to avail himself of a favorable opportunity for returning home, as he happened to find there a man-of-war, whose captain was his good friend, ready to sail for "the new York." After having inquired about me and the colony, heard of Gov. Hyde's death, and ascertained that my affairs all went the wrong way, he left for me a letter, which I never received, and left for New-York, which is not far from Burlington, a very nice borough, built in Dutch fashion, on the limit between New-York and Pennsylvania, where I most of the time resided. This important appointment having again failed, I felt much desponded, then he was my last resource, being a man of sense, honest and upright, and a skilfull merchant. What surprised me was that an intelligent man as he was had so much trusted M. and had advanced him so much money, and that same fact made me believe that there was still some reality in the mines.

I stay during the winter at a friend's in Virginia.

What was I to do in such unhappy a conjuncture? If I had had any means to settle at Canawest, I would have returned there. Instead of going to Govr Spotswood, I went to a private friend, intending to try one thing more. I sent my footman to Carolina, partly to ascertain if Mr M. had left no answer for me,—believing he might have resolved some new scheme,—partly to know which way he had gone; *Item:* if he had left nothing of my clothes and house-linen; *Item:* to know if perhaps the negroes had escaped, because, in case I could catch them, I would have been able to do something in Canawest, where they could have planted grain and taken care of the cattle. But my footman came back without having done anything,—he was told, however, that if I could send a brigantine or big barge full of provisions to the Bernese colonists and a few honest Palatines, they would come to me, trusting still to retrieve my losses with the mines which I had with Govr Spotswood.

Last resource to get a partner, a person of means and distinction.—Mishap. 8th cross-accident. A noted merchant threatens me and will arrest me for a protested bill of exchange.

Upon this notice, I wrote to a distinguished person, a rich man, member of the Queen's Council, and my intimate friend, who could have gone into copartnership with me for this new colony, with a request to provide us with all necessaries. Being deeply engaged in that matter, and believing that I had found some means to get out of trouble, I got notice, that a merchant who had against me a protested bill of exchange intended to arrest me, the writ having already been served at the house where I lived, as I took good care not to show myself. I then consulted with my good friends, asking if I could live in safety at Canavest, or in some other place in America. But they answered me: "Nowhere,"—for, even if I had been among the Indians, I should have been detected by the Indian traders, what made me very anxious, as I saw that there were no more resources for me in America,—unless I could hope to draw enormous sums from my original home, or should find some new partners, which would have been possible, but, when found, they would of course have nothing to do with the old debts.

I pondered over some letters which I had received, and which did not much satisfy me, and went in great grief to Gov. Spotswood's residence, Williamsburg, to explain to him my deplorable condition and to tell him: "Governor, I am in such straits that I do not know any more which way to turn; be kind enough to a poor unfortunate, to give him some pru-

dent advice." After having noticed the right time, I took my chance, asked for an interviaw, which he immediately granted to me.

The Governor of Virginia advises that I should go to Europe.

After I had told him all my mishaps and wretched adventures, and added that it had come so far, that I was threatened to be arrested, the Governor answered, that he took great parts in my misfortune, that he was surprised that I should be abandoned in such a manner, especially by the Society,—and that he knew of no better advice for me than to return to Europe. He offered to me his recommendation to a good friend of his, who was to obtain that a distinguished lord, his protector, should kindly present a petition to the Queen in my behalf. I was, afterwards, to go to Bern, to expound matters thoroughly to the Society, and solicit from them the payment of the bills of exchange. I imparted this advice to several among my best friends, who all were of the same opinion. But, winter being near, as in such season no ships are found to sail to Europe, I remained, through the winter, which is not very long in those quarters, at a good friend's, and, as I did not like at all the idea of returning to Europe, far less to my native country, I did not fail to make ardent and repeated prayers to the Almighty, that He might put me in mind what I was to do in such a delicate conjuncture, and guide me according to His holy will, in order to get more blessing in my designs, and to take a resolution favourable for my soul. Indeed, if I had had no other aim than to spend the balance of my existence in making some kind of a living (in keeping body and soul together), I could have find still some kind of device. But I felt grievous to leave the Colony,—and again, when I took into consideration what I had to thank God for, especially my miraculous rescue,—and how everything went wrong for me in this country,—it brought me nearly to believe that it was not God's will, that I should stay longer in that country,—that there was no favorable star for me,—and I accordingly formed the unshaken resolution to depart.

I comforted myself in thinking that perhaps these colonists could better subsist among these Carolinians, who in that time were as able to assist them as I. I felt, accordingly, less responsibility, and, besides, I did not do what I did with the intention of abandoning them entirely, though many of them had given me good motives of doing so.

But, in case I should obtain a favorable hearing from Her Britanic Majesty, and more assistance from Bern, I thought I could return more gladly & more profitably,—and that, if I should unluckily not succeed

in that negotiation, I should be compelled to give up that colony to the LL. Props & to the creditors, and to remain quiet in my native country, and to spend the remainder of my days "with the repentance" of so much time lost, in a true humiliation and sincere moral improvement, not doubting that the sins of my youth have called upon me such dispensation. However hard the latter may seem, it was not so much so as I had undoubtedly deserved it.

I must accordingly give up every superfluous & worldly care, and all the more, look after my poor soul, with God's grace.

The Colonists themselves were the cause of their own disasters, by their ungodly and unruly life, by which no blessing from God could be called upon them.

N. B.—I stated above, about that colony, that, although I should leave and abandon them, and that so many misfortunes could happen to them, that they had certainly drawn them upon themselves: (1) They were, I mean most of them, unfaithful to, and deserters from, their true sovereign, and they actually did act in the same way towards me, having left me in the greatest straits. (2) They were such a criminal and ungodly set of people, that it is no wonder if the Almighty has punished them by means of the heathen,—for they were worse than these,—and if I had known them, as well as I do now, the Bernese as well as the Palatines, I should certainly not have concerned myself about them.

As to the Palatines, I thought of picking my choice among the better, according to their appearance; for those who died on the sea and before my arrival, I have nothing to say, but for those that I joined there, I found most of them to be ungodly and rebellious people, among whom there were burglars, thieves, lewd fellows, profane swearers, slanderers, etc. No pains, no cares, on my part, could keep them in their duty. No admonitions, no threatenings, no punishments, proved to be of any use. God knows what I have endured; among the Bernese were two families which might justly be called the "excrement" of the country, and, with them, the proverb proved true: "Ill weeds never die out."

I was more sorry to leave such a beautiful and good country than such wicked people. There were, however, some little good grain, I mean a few persons fearing God, who loved me and whom I also loved; I wish them all kind of prosperity. God may convert the balance!

How I had to undertake my voyage to Europe.

The question was, how to undertake the voyage, by sea or by land. It could not be done by sea, as the captains of the ships are not allowed

to take on board any person in debt, who has not satisfied his creditors,—or else, to be held answerable for the said person. I had, accordingly, to travel by land a very long way. My purse being not enough well filled for that, I was obliged to sell some silver plate which I still had kept.

I explain to the Colony of Carolina the necessity of my voyage to Europe.

Meanwhile, I wrote letters to the colony, pointing to the necessity of my voyage on account of their deplorable condition, as well as my own; I sent, at the same time, letters to the President and to the Council, telling them also my motives and recommending to them, the best I could, this forsaken and shattered colony.

I take leave of the Governor of Virginia. My voyage by land by part of Virginia, Maryland, Jersey, Pensylvania, as far as New York.

After I had taken leave of Govr Spotswood, who entertained me splendidly for this last time, I began my voyage by land just at Eastern 1713. I went through nearly all Virginia, Maryland, Pennsylvania, Jersey, and at last happily arrived, thank God, at New-York, a fine city, very well built after Dutch fashion, on an island, on the side of which is a fine and convenient harbour, situated between two navigable rivers, with a fortress; the surroundings are charming,—there are 3 churches in the city, an English one, a French one, and a Dutch one, in which a German service is also held. There is plenty of everything, and one can have anything which one wishes, the best fishes, good meat, all kind of grains, fruits, & vegetables, very good beer, and all sorts of exquisite wines, etc.

My fortnight's stay in N. York;—the town;—my departure.

I stayed 10 or twelve days in that nice place,—and then sailed for England in a little Brigantine. I own that, at first, I was afraid to cross that big Ocean in such a small ship, but I was told and convinced that there was not so much danger as in a large one, and for different reasons:

(1) The sails are more easily mastered in great storms, as there are much less to manage;

(2) The small ship cuts better the water, and goes quicker;

(3) A small ship does not swing as much as a big one;

(4) It is more handy to load and unload, and is very useful to trade; such a ship makes two trips during a big one makes only one.

Arrival at Bristol.

Though the wind was nearly always contrary, and we had several very rough storms, we arrived, however, thank God, happily at Bristol after

6 weeks. This town may well bear the name of a "Small London" on account of its good harbour, its size, great trade, wealth and dense population.

I took a few days' rest, and rode on horseback, in good company, to London, because the voyage by stage was dangerous. [1713]

Cross-accident. 9th mishap. Death of the Duke of Beaufort & of the Queen.

I spent there several months, in hopes of presenting my petition to Queen Ann, by the hands of the Duke of Beaufort, my protector, who was first Lord Proprietor, and Palatine of Carolina, but, a short time before the date at which he was to hand my petition to the Queen, *he died suddenly*, another blow of my usual bad luck. The Queen herself died soon after him.

After that, there were so many changes at the Court of England, that my petition was not presented, and I well saw there was no hope of any favour in this new Court, for a long time, though it might be supposed that, after a while, this new King, being a German by birth, would feel inclined favourably for that affair. Winter being inconvenient for travels, as I could do nothing under such circumstances, I began my voyage to Bern.

Cross-accident. 10th mishap. Unexpected arrival of the German miners and their leader,—and the great trouble they gave me.

I cannot, however, but mention that when I arrived at London, I was surprised to hear that the head-miner, T. Tusties Albrecht, had arrived with 70 other miners, what gave me much pains, cares, grief, and expense. Indeed these men came most inconsiderately and without orders, thinking all necessaries for their living and for the mining-works ready for them; but there was no such thing, and my purse was so empty that I had hardly enough for my most pressing needs. I had spent all my ready money in America, and found no bill of exchange for me in London, and it was impossible for me to assist such a crowd of people. It is easily understood what a burden that was for me, as they believed that, according to the written contract which they held, I was bound to assist them, what would indeed have been the case, if I had given them orders to come. I had however written to them, from America, several letters, of which they had received more than one, by which I gave them advice, that the head-miner T. T. Albrecht was not to come until further orders, telling them that there was nothing to do in the mines, on account of the troubles, and of the Indian war, which took place in Car-

olina,—I added that Mr M. had not yet disclosed the place,—but that, if the head-miner was willing to come nevertheless with one or two of them besides for the sake of *prospecting* only, he might do it of his own accord. But he, nevertheless, without further consideration, proceeded, and took no notice of these tidings.

What was I to do? I could give them no better advice than to return home, which they did not like, and even preferred to become servants in America, for 4 years. Meanwhile, there were, as yet, no ships bound for America; they had, in consequence, to stay through the whole winter in London; but how were they to live? I really felt sorry for them. However, I was in a hurry to get home; I at last found two rich & noted Virginian merchants, to whom I proposed and recomended that business at my best; besides, I took counsel from a high standing lord, to whom I had been recommended by the Governor of Virginia, precisely touching the mines, in order that he might support me at Court.

Miners disposed of, and sent to Virginia with a recommendation to the Governor.

We concluded that these people had to put their money together, and keep a proportional account of it, and that one of the merchants above mentioned should pay the balance, to supply the transportation and living of these people, that the Govr of Virginia was to receive them, & take care of them at their arrival, and to pay the cap^t of the ship, who had to give back the money advanced by them to the London merchants.

For that object, I wrote an extensive letter to Gov. Spotswood, laying before him the situation, and telling him, that, in case the mines should not fully succeed, these good people could form a small colony on the lands which we held together in Virginia, a little further than the place where were found supposed minerals, the presence of which made a silver vein presumable,—where they could settle by the orders and good care of the Govr, or somewhere else, if there was no satisfactory prospect of silver mines.

And as, in Virginia, there were no iron nor copper works, though a plenty of such ores were found there, we might begin by these, for which we needed no royal patent, as was wanted for silver mines, etc.

Departure of the miners.—(They are actually settled on the Governor's lands, where they have started a small colony.) (*Notice of the author.*)

Hoping that my scheme could succeed, I recommended these good miners to the Allmighty, and they started at the beginning of the year 1714.

A whole year has elapsed without my receiving any news from the Gov[r] or from them, and I feel very anxious.

My American mishaps seem now to be at an end, but the same ill luck which pursued me out of my native country still followed me home.

My departure from London.

For fear that my American creditors, of which the most interested happened to be at that very time in London, could give orders to the seaports, to inquire after me, and arrest me, I resolved to go aboard a little ship bound for S[t] Valeries, instead of taking the common route by Dover or Harwich, and of going home by the shortest. The day was appointed, and, as I dared not to take a passport, for fear of being detected, the captain of the ship (to whom I had to trust the matter, though under a false name), advised me to go in a little boat to Gravesend, and prepared himself to start.

In danger to be arrested at Gravesend.

When I was nearly half way, such a strong contrary wind arose, that I was compelled to land, and to go on foot to Gravesend, where I slept and remained a whole day; but, finding the living dear there, and not knowing whether that contrary wind would still last long, considering besides that this also was a seaport, I went on my way back to London, where my ship captain, not yet ready, was waiting for a better wind. However, I remained at Southwick, beyond the Thames, till further orders. When he had unloaded, I was told to follow him, and, at Greenwich I went aboard the ship, and outside of the town of Gravesend, the Capt[n] sent me away, telling me to wait until he would have declared everything on board, and the inspection would be past. Although he told to the searching officers that my trunk belonged to a nobleman from S[t] Valeries, and that he could declare that it contained only clothes, they would not be so easily satisfied. He accordingly sent quickly a boy to tell me that I had to open my trunk, what made me anxious; however I kept a careless countenance, and spoke French: I at once took my key with half a crown, and gave it to the clerk, asking him not to ruffle my clothes, which were so tightly packed. This luckily succeeded; if they had examined my writings and papers, I should have been detected and in danger.

A second storm at Marget, a port on the Thames.—Cross-accident. 11th mishap. Instead of 3 days it took us 3 weeks to cross over to France.—The entrance of St. Valeries harbour a dangerous one.—My arrival in France.—Arrival at the Fort de la Cluse, where I am in danger to be arrested for having no passport.—My arrival at Geneva and Lavaux.—My arrival at Bern.

After that, we sailed on. When we were nearly at the mouth of the river, near a seaport called Marget, there arose such a terrible storm, with thunder and lightning, that we were in great danger, and were scarcely able to keep the anchor fastened over night. The following day, when the wind had fallen somewhat, we sailed further on, and when we were on high sea, a strong contrary wind drove us to a place full of sand-banks, so that we were obliged to return and to land in another port called Ramsey; if the people of that townlet and a great number of sailors had not come to our rescue, we should undoubtedly have perished. We had to stay there 8 days, on account of the contrary wind, and in order to mend our torn sails, and to fix different things. That was hard for me, as I had hardly enough money for my voyage through Paris. When the wind had abated some, we went out, but were repelled a second time. *This voyage gave me more trouble* than when I crossed twice the ocean. Instead of 3 days, it took us 3 weeks to go to St. Valeries, where there is so dangerous an entrance, that we should never have been able to get into the harbour if pilots had not come out to meet and help us. I came very near to be arrested by the Governor as I had no passport, but a bill of exchange, by which he could ascertain that I was a Swiss, got me out of trouble. From there I went up the river to Abbeville, where I took the stage to Paris, and from there to Lyons, and from there to the *Fort de la Cluse,** where the Governor or Commander arrested me, as being without a passport, although I had not been required to exhibit one all through France. If I had not been in possession of my brief as lieuten^{t} gov^{r} (bailli) of Yverdon, which I exhibited, telling how I had lived in good neighborly intercourse with Mr de Bearnez,** Govr of Pontarlier, and giving sufficient evidence of the fact, I should have been compelled to stay till a satisfactory attestation had come from Bern. So I went on my way

* A French fortress near the limit between France & Switzerland (Geneva). (Translator.)

** *Pontarlier* is a French Town, situated at a distance of about 18 miles from Yverdon. M. de Bearnez ruled at Pontarlier, for the French government, in about the same capacity as de Graffenried at Yverdon, for the Bernese Government. (Translator.)

to Geneva, and from there to our vineyards of *Lavaux*,* where I thought to meet my family, according to the news received. I even thought to stay there for some time, but I found the house shut: everybody had gone to Bern a week before. So I had to follow, though unwillingly, and I arrived at Bern on the day of St. Martin 1713, in good health, thank God, and found everything and everybody at home in good condition.

Alas! What changes I found in the town! Old friends grown cold towards me,—many people bloated up with pride and arrogance! My experiences would be too tedious to relate in their minute particulars.

Cross-accident.—12th mishap. The Bernese Society (or Company) abandons me.

The worst was, that those among whom I thought to find some help to rebuild my shattered colony, some refused to hearken to me, and the others I could not well convince, and so, I was compelled to abandon that colony, for want of aid, especially from my Society (or Company) which *abandons me!* It is a pity, because others will be able to fish in troubled waters, and to take advantage and benefit of what I founded with much danger, pains, care, grief, and expense.

Affairs in much better state in Carolina.—The peace concluded.

Indeed, affairs stand well now in Carolina; the Government is better established, the wild Indians destroyed, a good peace concluded, the main difficulties surmounted, the most convenient lands, for the colony, cleared and cleaned out. The air there, accordingly, is more healthy, the population more dense,—and those who will succeed us in that region will be much better off than we were, for the trials of the beginning are over. My heart aches to leave such a beautiful and good country, where there are so fine prospects of future prosperity, and such hopes of a flourishing colony.

Since fate will not favour me any more in this world, there is no better remedy than to leave it and to seek the treasures from above, where moth and rust doth not consume, and where thieves do not break through nor steal.

I could have added here an account of the English Provinces of the American Continent which I have seen, but, several authors having written on these matters, I refer the reader to them.

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* *Lavaux* is a region on the northern side of the lake of Geneva, where fine vineyards are found. Most of the aristocratic families of Bern generally owned a wine farm there,

He may consult P. Henepin, Bloom's *English America*, Baron de la Hontan, Visher's *Great Britain*, and on Carolina especially: M^r^. Ochs' more recent *Essay*, the *Diary and Description of Carolina*, by Lawson, the same man who was sentenced to death by the savages, as I have related it above.

Hereafter follow a few annotations about what I noticed during my voyage to the Tuscoruros' region and during my captivity among the Indians; only, I just write them, without order, in the very succession in which they struck my mind, and under letters, a, b, c, d, etc.

a. Neither I nor my colonists caused the slaughter and war of the Indians. [*These reasons and others have already been stated above.*]

The letter to Govr Hyde would have been too extensive, had I written all these particulars into it. Some inhabitants of Carolina, moved by jealousy and indiscretion, accused me and my people as having given occasion to the Indian war and slaughter. I could quote many reasons for my justification, but my innocence being notorious, I will not trouble myself much about it. I will, however, state here: [These reasons and others have already been stated above.] (1) If I had been answerable for these events, why did the Indians not kill & execute me as well as they did Surveyor-General Lawson? (2) I paid for the lands called by the Indians Chattauqua (written in the MS. Chatoueka.—Translator) three times: once to the LL. P^rops^, once to the Surveyor-General, a third time to the Indian King, called Taylor. (That Indian King lived with his people at the very place where my house and the started town, New-Bern, now stand.) With these Indians, I and my people lived very friendly, and I should as well have paid the balance of the land, if they had required it from me. (3) There was not a single complaint against me, as was evident by the great Assembly of the Tuscoruros where everything was discussed over again in the presence of the Virginian merchant. The real authors of the troubles were denounced by their names; by charity, I will not recall the latter here; the two Lord Governors of Virginia & N. Carolina have seen to it.

b. Soberness and good order of the Council of the Savages.

I have seen many considerable and important assemblies, and I have even taken part in some, but I have been surprised at the gravity & fine order of these heathen, at their silence, obedience, regard for their superiors; nobody speaks but in his turn, only once, with great decency & modesty. No passion made itself conspicuous, and sufficient time was

allowed for the reply. Everything goes on with such propriety that I can say, for the confusion and shame of many Christian magistrates. The process was conducted in so fine an order, at the least as by any Christian judge, and they reasoned so well, that I was quite surprised.

c. These 7 villages of the Tuscororos discard responsibility.

Seven villages, of the Tuscaruros' nation, pretended to be entirely innocent of the Indian war & slaughter. They argued, that they had no understanding with the other Indians,—the latter being more distant & nearer to Virginia, on which they depend for the trade. These 7 townships or villages, however, have some power over the small neighbouring groups, & hold them, to a certain extent, under some degree of bondage. That Tom Blount is King & Chief over a considerable number of Indians, full of sense, and much inclined towards the English nation. He contributed much towards a good peace, and even when the question was only about me, he spoke much in my favor.

d. Charity of an Indian widow. Some good qualities of the Indians.

I cannot but state here the great generosity and pity shown by a good widow, who gave me from the very beginning, during my imprisonment, always to eat, so that at least food did not fail me.

But what is most remarkable, as soon as she saw me bound by young rogues who plundered me, and took from me, among other things, my silver shoe-buckles, fastened only by a small string, she took her beautiful brass-buckles, (with which she fastened her head-band,) and put them on my shoes. More than that, she was not satisfied till she had found out which Indian had taken my buckles, she bought them, and came in high glee, running to me and put them back on my shoes. Must it not be conceded that it was a great kindness from a savage woman, for the confusion of many christians? I must state here, to the shame of the latter, that the Indians are generally much more generous and charitable; I have observed many good traits in them: for example, they do not swear,—hold exactly what they promise,—do not quarrel in gambling, are not so greedy, have not so much pride. I have heard nothing unbecoming among their young men; although almost naked, they nevertheless behave more decently than Christians, etc. What I observed worst in them, is their strong anger, which generally becomes wrath.

e. The Savages' ceremonies in their triumphal feast.

I must state here that when these barbarous burglars returned home

night-feast: every family cooked the best kind of meats, after their fashion, and brought them on the great execution-ground, where they also often have their dances; every family erected a small scaffold, with a good fire near it, and they disposed those stands in a circle around the said ground. In the middle was a big fire, near which the priest was standing.

The women all took their jewels and ornaments, consisting in Wampon necklaces, glass-coral, and burnt shells,—and then took some small sticks or rather thick twigs, and stuck them in the centre of the ground, vertically, as a sacrifice. They had also raised there 3 deer hides, as their Idols, which they do not worship, but respect.

The Queen, or, in her absence, the first in rank after her began first, the others followed, always singing; when the circle was completed, they danced around the fire and the three hides untill they were tired.

After that, every one went to her small scaffold to eat with her husband; when they had done, they took sticks wrapped in black, made the same ceremony as before, taking back the sticks adorned with coral, and putting the black ones in their place, and returned to their stands. Meanwhile, the priest was engaged in his duties, threatening the enemies, in most strange attitudes, and praising the soldiers, and exalting and exciting their courage for the future. After that, the young men went and brought green limbs of trees, painted their faces with black, white, and red, letting their hair fly loose, and sticking into it small feathers and white cotton; and so, looking more like horrid devils than like men, they all ran to the big ground with dreadful yells and howls and danced as was said above.

I observed that, when the Indian soldiers, or rather burglars, above mentioned, returned with their booty & prisoners, the priest and the tallest woman of rank* took the poor prisoners and compelled them to dance; when they refused to do it, they took them under the arms, lifted them, and let them down alternatively, as a sign that these christians had now to dance after *their* music, and had become their subjects.

These pagan ceremonies may be considered as their religious worship and idolatrous devotion. I sometimes noticed, in the morning, that they sang a little serious sounding song instead of praying,—what they also do in great dangers.

*The sense may be also, though awkwardly, expressed in the MS.: The woman of highest rank. (Translator.)

f. Religious worship of the Carolinian Savages.

I also noticed among the Indians who dwell at the place where I settled and started the building of New-Bern, another kind of rites which come nearer to the christian divine worship. They had there a kind of altar, cunningly interwoven with small sticks, and vaulted like a dome. In one place was an opening, like a small door or wicket, through which they put their offerings. In the midst of this heathenish chapel was a concavity where they sacrificed beans, corals, and also Wampons. Facing the rising sun, was planted in the ground a wooden post, with a carved head, painted half red and half white. In front of it stood a big stick with a small crown at its end, wrapped up in red and white; on the other side, which looks towards the setting sun, was another image, with a horrid face painted in black and red. By the first, they mean some god, and by the other the Demon, which they know far better.

I cannot but relate here, to amuse the reader, what happened to one of my tenants, a tall, strong, well-built fellow: passing near by these idols, he examined them, and knew at once the difference between the good god, and the one which represented the devil. The latter being painted in *red* and *black*, which happen precisely to be the colours of the Bernese flag and arms,* he became so angry about it, that he split in two, with his axe, the Devil's statue. When he came home, he boasted about it, as if it had been an heroic feat, saying that he had split the devil in two with one stroke. Though I could not help smiling, I could not approve his action. Soon after, the Indian King came, exasperated at this sacrilege, and complained loudly. I first told him, in a jocose way, that it was only the wicked Idol, that there was not much harm done, but that if he had cut the good Idol to pieces, I should have rigorously chastised him, and that, in the future, orders would be given in order that no such thing could happen any more.

Although the Indian King saw well that I spoke of the all thing as a joke, he did not like it much, but looked very serious. I accordingly told him, quite as seriously, that that man's action did not please me at all,—and that, if he could show me the one who had committed such a scandalous offence, he should be rigorously punished. To appease a little those Indians, I treated the King and his retinue to some *rum*, a liquor distillated from sugar-dregs, and a very healthy beverage, when taken mod-

*The coat of arms of the Canton Bern bears a "Black (Sable) Bear on Red (Gules)

erately. My courtesy put them in a more serene mood, and they left my home quite satisfied.

g. How the Savages bury their dead.

They have more ceremonies for the burials than for the weddings and marriages, and I noticed something very peculiar at the burial of a widow. Before telling that event, I shall say, only in passing, what the priests sometimes do in case of sickness. After they have given the needed remedies, if these do not operate, they make grimaces, faces, and contortions, blowing at last their breath in the patient's mouth, with a loud noise and snoring, and I do not know what other incantations. If the sick person gets better, the joy is unutterable,—if he dies, they howl in the most dismal and frightful way.

The sepulchres or tombs of these Indians are very dexterously made, out of the bark of trees, vaulted. When the dead is being carried to his sepulchre, the priests stand near by, make great lamentations, and give a funeral oration. In their usual way, if there is some benefit to expect, they give great praises to the behaviour of the dead or of his relations, comfort them, and make I do not know what for horrible exorcisms. They take much pains, in gestures and in speech, so much so that they perspire abundantly. After the ceremony, the heirs or nearest relations give to the priests Wampon-necklaces, I mean corals made out of calcinated oyster-shells, purple-coloured, & yellow, which is the costliest reward they could give.

N. B. The Indians make, with those corals, garters, necklaces, girdles, so well interwoven that they really surprised me. After the tomb was covered, I noticed something which passes imagination, and which I should not believe, had I not seen it with my own eyes. From the tomb arose a little flaming fire, like a big candle-light, which went up straight in the air, and noiselessly,—went straight over the cabin of the deceased widow, and thence further across a big swamp above $1\frac{1}{2}$ mile broad, until it finally vanished from sight in the woods. At that sight, I gave way to my surprise, and asked what it meant, but the Indians laughed at me, as if I ought to have known that this was no rarity among them, they refused, however, to tell me what it was. All what I could ascertain, was that they thought a great deal of it,—that this light is a favourable omen, which makes them think the deceased a happy soul,—during they deem it a most unpropitious sign when a black smoke ascends from the tomb. This flying flame, yet, could not be artificial, on account of the great distance; it could be some physical phenomenon, like sulphurous vapors,—but this great uniformity in its appearance surpasses nature.

As I was on another occasion busy, in Govr Hyde's house, with the Council, to conclude a good peace with the Indians, six or eight of those Kinglets being present as representatives of their nation, with a retinue of other Indians, I noticed among them a priest whom I asked what was the meaning of what I related above. There were more than twenty Indians, but among them I found only that priest and another, an ancient, or old man, who were able to give me an explanation; and this did not satisfy me, and seems to me a fable, and a tale so ridiculous that it presented not even the shadow of a truth.

Transmigration of souls.

They told me that only old priests of great experience could cause such visions to appear. When I asked what was this flying flame issuing from the tomb, they told me it was the soul of the deceased, which went into another good creature, if the person had lived well & well behaved. But if she had led a bad life, the soul went into an ugly, wicked, and unhappy creature. They further told me that these priests attained to such science or magic, in the following way:

Sometimes a small, subtle fire, also like a kind of flying flame,—flickers from one tree to another,—what very seldom happens. When an Indian sees it, he must run with all his might to catch it, and in the moment when the hand covering the fire, extinguishes it, is born a kind of small spider which runs hither and thither, very quickly, in the hand, so that it is nearly impossible to keep quite close over it the other hand,—but that if one succeeds in keeping it tight,—it grows to the size of a mouse;—in that way the man who captured this wonderful thing becomes the best master & magician and can achieve all kinds of surprising feats. [N. B. These "conjurors," as they are called in English, have also the power to evoke the Devil and to send him away.]

h. How an Indian contrived to raise a good wind into the sails.

My pilot attested to me that, as he was once crossing the sound (a great sea bay in N. Carolina), in a boat, there was such a dead calm that they could not move. An Indian, who happened to be there told him that, if he wanted him to do it, he could in a short time raise a good wind. The pilot, who wished for nothing better, since he had none too much provisions, allowed him to act as he pleased, and all at once arose such a strong wind, and they sailed at such a rate, that they were frightened, but had to go, as there was no means of stopping. And so, they arrived nearly in a little while at the place for which they were bound.

not without great risks of a shipwreck; the Pilot told me that in his life he would not use such kind of help again.

The reader may believe what he pleases of this and the things stated above, but one thing is certain: Satan wantons a great deal with those poor creatures, and there may be many delusions; if these fabulous tales had not been told to me in such a considerable Assembly, I should not have dared to quote them in this my account.

I have noticed and heard many other things among the Indians, but so many authors have written about them, that I would not enlarge any more upon this subject, for fear that I should only repeat their statements.

i. Barbarous actions of the Indians, as compared with the doings of the Christians.

As to the barbarous and stern ways of the heathenish Indians (which I already mentioned above), I own that they are enraged when angry, but, left to themselves in peace and quietness, they are benevolent and obliging, after their own way. They seldom offend the Christians without having some motive for it, and, the greatest part of the time, the abuse comes from the Christians, who deal roughly with them. I spoke with several Indians about their cruelty, but an Indian King, a man of good sense, answered me in comparing the Indian with a snake: "Leave it alone, coiled up as it is, do not hurt it, and it will hurt no living creature,—but disturb its rest and it strikes and bites." That the Christians have been worse and more cruel, especially the Spaniards who had so inhumanly dealt with their ancestors. As to their manner of warfare, which seemed to the Christian to be a brigandage, because the contest is not led boldly and openly, they had, of course, to avail themselves of some advantages; if not, they could not subsist and would always have the worst of it; that they were not many, and were not provided with cannons, guns, swords, powder, balls & other war inventions, far more treacherous and destructive than their own ways, which were more natural and far less pernicious; that the arms and war-ammunition which they had came from the Christians, and were, as said, inventions much more injurious, fraudulent, and wicked than theirs, and that the Christians dealt, not only with heathen or strangers, but with Christians, their own brethren, most cruelly,—and that amongst us we committed the most tyrannical acts, etc., (what I have experienced myself as may be seen above, in the narration of the plot laid against me by a rascally gang.)

ATTESTATION. [*Number* 108 *in the Notary's register.*]

VIDIMUS.

I, the undersigned Silvius Roulier, Notary Public at Yverdon, District of the same name, Canton de Vaud, Switzerland, certify and attest that the preceding narrative, containing sixty-nine pages,* as well as a small notice annexed to it, and written on thirty centimes' stamped paper, after having them duly collated, are conformable to the originals, exhibited, and that due credit must be given to them.

Declared and attested in the presence of Louis Frankhauser, of Trab, Canton of Bern, merchant, and of Marius Brun, of Coinsino, policeman, both living in Yverdon, also undersigned, requested as witnesses.

Given at Yverdon, Saturday, July twenty-fifth, eighteen hundred and eigthty-five.

(Signed) SYLV. ROULIER,
Notary Public.

(Signed) LOUIS FRANKHAUSER.
MARIUS BRUN.

SEAL.

The undersigned, members of The Commission of the *Public Library of Yverdon*, certify that the above narration is the authentical copy, verified by them, of the manuscript which exists in the said Library under the following title:

Number 3110. Account of a voyage to America in the year 1710, by a former lieutenant-governor (bailli, old french: baillif) of Yverdon, manuscript of 105 pages f°.

Yverdon, July 25 1885

The Vice President
CH. MEYLAN
attorney-at-law.

JOHN LANDRY, Secretary.

SEAL.

*One hundred and eighty-nine in the translation. (Translator).

N° 431. Seen and vised for attestation of the signatures of Ch^{s} Meylan, attorney-at-law, & John Landry, Secretary, the 1^{t} vice-president, the 2^{d} secretary of the public library at Yverdon, signatures which are affixed to the above declaration.

Yverdon, July 25 1885 The Justice of the Peace
E. PAILLARD.

SEAL.

I, the undersigned, Alfred DuFour, a resident of Mill River (Henderson Co.), N. C., state, attest, and declare that the preceding 191 pages, have been translated by me, word by word, to the best of my knowledge and abilities, from the authenticated copy of Baron de Graffenried's Manuscript, as taken by Sylvius Roulier, notary-public at Yverdon, Switzerland.

Charlotte and Mill River, N. C.
October the twenty-second, 18 hundred and eighty-five.

A. DuFOUR.

[Reprinted from Williamson's History of North Carolina. Vol. 2. p. 275.]

DE GRAFFENRIED'S CONTRACT FOR THE PALATINES.

Articles of agreement, indented and made, published and agreed upon, this tenth day of October Anno Domini One thousand Seven hundred and nine, and in the eigth year of the reign of our Sovereign lady Anne, by the Grace of God queen of Great Britain, Frauce and Ireland, defender of the faith, between Christopher de Graffenrid of London Esq. and Lewis Mitchell of the same place Esq. of the one part, and Sir John Philips bart, Sir Alexander Cairnes bart. Sir Theodore Janson Knt, White Kennet D. D. and dean of Peterborough, John Chamberlain Esq. Frederick Slore, doctor of Physic, and Mr Micajah Perry merchant, seven of the Commissioners and trustees nominated and appointed by her Majesty's late gracious letters patent, under the great seal of Great Britain, for the collecting, receiving and disposing of the money to be collected for the subsistence and settlement of the poor Palatines lately arrived in Great Britain, on the other part.

Whereas the above named Christopher de Graffenrid and Lewis Mitchell have purchased to themselves and their heirs in fee, and are entitled to a large tract of land in that part of her Majesty's dominions

in America called North Carolina, which now lies waste and uncultivated for want of inhabitants; and they the said Christopher de Graffenrid and Lewis Mitchell have applied themselves to the Commissioners appointed by the letters patent above mentioned for the subsistence and settlement of the poor distressed Palatines, that some number of the said poor Palatines may be disposed of and settled in the said tract of land in North Carolina aforesaid, as well for the benefit of the said Christopher de Graffenrid and Lewis Mitchell as for the relief and support of the said poor Palatines.

And whereas, the said Commissioners have thought fit to dispose of for this purpose six hundred persons of the said Palatines, which may be ninety-two families more or less, and have laid out and disposed of to each of the said six hundred poor Palatines the sum of twenty shillings in clothes, and have likewise paid and secured to be paid to the said Christopher de Graffenrid and Lewis Mitchell the sum of five pounds ten shillings lawful money of Great Britain for each of the said six hundred persons, in consideration of and for their transportation into North Carolina aforesaid, and for their comfortable settlement there.

It is constituted, concluded and agreed, by and with the said parties to those presents in manner following:

In primis, that the said Christopher de Graffenrid and Lewis Mitchell, for the consideration aforesaid, at their own proper costs and charges shall, within the year ——— next after the date hereof embark or cause to be embarked on ships board, in and upon two several, ships, six hundred of such of the said poor Palatines as shall be directed by the said commissioners, which together may in all make up ninety-two families more or less, and cause the said persons to be directly transported to North Carolina aforesaid, providing them with food and other necessaries during their voyage thither.

Item, that upon the arrival of the said six hundred poor Palatines in North Carolina aforesaid, the said Christopher de Graffenrid and Lewis Mitchell shall, within three months next after their said arrival there, survey and set out or cause to be surveyed and set out, by metes and bounds, so much of the said tract of land above mentioned as shall amount to two hundred and fifty acres for each family of the said six hundred poor Palatines, be they ninety-two families more or less; and that the said several two hundred and fifty acres for each family be as contiguous as may be for the more mutual love and assistence of the said poor Palatines one to another, as well with respect to the exercise of their religion as the management of their temporal affairs.

And for avoiding disputes and contentions among the said Palatines in the division of the said several two hundred and fifty acres of land, It is agreed, that the said land, when so set out by two hundred and fifty acres to a family, be divided to each family by lot.

Item, that the said Christopher de Graffenrid and Lewis Mitchell, their heirs executors or administrators, within three months next after the arrival of the said poor Palatines in North Carolina aforesaid, shall give and dispose of unto the said poor Palatines and to each family, by lot, two hundred and fifty acres of the tract of land above mentioned and by good assurances in law grant and convey the said several two hundred and fifty acres to the first and chief person or persons of each family their heirs and assigns for ever: to be held the first five years thereafter without any acknowledgement for the same, and rendering and paying unto the said Christopher de Graffenrid and Lewis Mitchell, their heirs executors and administrators, for every acre the sum of two pence lawful money of that country yearly and every year after the said term of five years.

Item, that for and during one whole year after the arrival of the said poor Palatines in North Carolina aforesaid, the said Christopher de Graffenrid and Lewis Mitchell shall provide, or cause to be provided for, and deliver to the said poor Palatines sufficient quantities of grain and provision and other things for the comfortable support of life; but it is agreed, that the said poor Palatines respectively shall repay and satisfy the said Christopher de Graffenrid and Lewis Mitchell, their heirs executors and administrators, for the full value of what they shall respectively receive on the amount at the end of the first year then next after.

Item, that the said Christopher de Graffenrid and Lewis Mitchell, at their own proper costs and charges within four months after their arrival there, shall provide for the said Palatines and give and deliver or cause to be given or delivered to them, for their use and improvement, two cows and two calves, five sows with their several young, two ewe sheep and two lambs, with a male of each kind, who may be able to propagate; that at the expiration of seven years thereafter each family shall return to the said Christopher de Graffenrid and Lewis Mitchell, their heirs or executors, the value of the said cattle so delivered to them, with a moiety of the stock then remaining in their hands at the expiration of the said seven years.

Item, that immediately after the division of the said two hundred and fifty acres among the familes of the said Palatines, the said Christopher de Graffenrid and Lewis Mitchell shall give and dispose of gratis to each

of the said Palatines a sufficient number of tools and implements for felling of wood and building of houses, &c.

And lastly, it is covenanted, constituted and agreed, by and between all parties to these presents, that these articles shall be taken and construed in the most favorable sense for the ease comfort and advantage of the said poor Palatines intending to settle in the country or province of North Carolina; that the said poor Palatines, doing and performing what is intended by these presents to be done on their parts, shall have and enjoy the benefits and advantages hereof without any further or other demand of and from the said Christopher de Graffenrid and Lewis Mitchell, their heirs executors or administrators or any of them; and that in case of difficulty it shall be referred to the Governor of the county or province of North Carolina, for the time being, whose order and directions, not contrary to the intentions of these presents, shall be binding upon the said Christopher de Graffenrid and Lewis Mitchell, his heirs executors and administrators, as to the said poor Palatines.

Witness whereof the said parties to these presents have interchangeably set their hands and seals the day above written.

JOHN PHILIPS, (L. S.)
ALEXANDER CAIRNES (L. S.)
WHITE KENNET, (L. S.)
JOHN CHAMBERLAIN (L. S.)
FREDERICK SLORE, (L. S.)
MICAJAH PERRY (L. S.)

Sealed and delivered by the within named Sir John Philips, Alexander Cairnes, White Kennet, John Chamberlain, Frederick Slore, Micajah Perry, having two six penny stamps. In presence of us.

WILLIAM TAYLOR, JAMES DE PRATT.

We the within named Christopher de Graffenrid and Lewis Mitchell, for ourselves, our heirs, executors and administrators, do hereby covenant and agree to and with the Commissioners and trustees within written, for and upon the like consideration mentioned, to take and receive fifty other persons in families of the poor Palatines, to be disposed of in like manner as the six hundred poor Palatines within specified, and to have and receive the like grants, privileges, benefits and advantages as the said six hundred Palatines have, may or ought to have, in every article and clause within written, and as if the said fifty Palatines had been

comprised therein, or the said articles, clauses and agreements had been here again particularly repeated and recited on to them.

Witness our hands and seals, this 21st day of October, A. D. 1709.

CHRISTOPHER DE GRAFFENRID,
LEWIS MITCHELL.

Sealed and delivered this agreement in the presence of

Wm TAYLOR, JAS. DE PRATT.

[REPRINTED FROM WILLIAMSON'S HISTORY OF NORTH CAROLINA. VOL. 2. P. 283.]

EXTRACT OF A LETTER FROM BARON DE GRAFFENRID TO EDWARD HYDE, ESQ. GOVERNOR OF NORTH CAROLINA.

I have many things to relate to you, but for want of time must delay them to a future day. At present I shall only inform you of the fate of Mr Lawson the Surveyor general.

We had both taken to my boat on the New* River in order to discover what kind of land there was further on, and what distance any one might go on the same. To this I had the more readily consented, as Mr Lawson had assured me that the country on this side was not inhabited. But when we arrived at Corutra, a village about twelve miles by water from the town of Coram, with an intention to tarry there all night, we met with two Indians, whom presently after a great number joined, and who were armed. I told Mr Lawson that I did not like the appearances, and that we ought immediately to proceed on, which we accordingly did; but no sooner had we arrived at our boat, such a number of Indians pressed upon us, that it was impossible for us to keep them off. They took our arms, provisions and all we had.

There were upwards of sixty Indians all well armed, who compelled us to travel with them all night, and until we arrived at an Indian village, a considerable distance from the river, where we were delivered up to the king (or chief) of the village or town.

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*He must have intended Neus River.

He called a council at which one of the Indians delivered a long speech with great vehemence, whereupon a question was put whether we should be bound, which was passed in the negative and the reason given was, because we had not yet been permitted to make our defence. The next morning we desired to know what they intended to do with us; their answer was that the king (or chief would that evening have a number of other kings at an entertainment, who must also be present at our examination, after which they would come to a decision. In the evening upwards of two hundred were collected, from which number about forty got to-gether who were considered as chiefs of the people. Before these we were examined very strictly concerning our intention and why we had come hither. Our answer was, that we were endeavoring to find out a shorter and better road to Virginia because the other road from our settlement was a very bad and difficult one, and that for that reason the Indians from thence could not as conveniently trade with us. Whereupon the Indians complained very much of the conduct of the English Colonies in Carolina, and particularly named M[r] Lawson, charging him with being too severe, and that he was the man who sold their land.

They also said that Mr. Hancock had taken a gun from an Indian, and that Mr. Price also dealt too hard with the Indians. Nevertheless, they would consent to our being set at liberty and that we should return home on the day following. The next morning we were again examined, and we returned the same answer; but one Cor Thom being present, whom Mr. Lawson reprimanded for sundry things which had happened, gave a very unfavorable turn to our affairs. After the Council had broke up and the major part of the Indians had gone off, Mr Lawson and myself were talking to-gether on indifferent subjects an Indian who understood a little English informed the remaining Indians that we had spoken very disrespectfully of them, which however was totally groundless. Whereupon three or four of them fell on us in a furious manner, took us by the arms and forced us to set down on the ground before the whole of them that were then collected. They instantly took off our wigs and threw them into the fire and we were at once condemned to death. Mr Lawson indeed was sentenced to have his throat cut with his own razor, and I was to be put to death in another manner. On the day following we were taken to the great place of execution, where we were again tied and compelled to sit on the ground, being stripped of our surtouts. Before us a large fire was kindled, whilst some of them acted the part of conjurors, and others made a ring around us which they strewed with [illegible] an innocent negro, who was also bound, and in

this miserable situation we remained that day and the subsequent night. On the morning of the next day at which we were to die, a large multitude was collected to see the execution. Behind us there was an armed party who acted as a guard, and around us sat the chiefs in two rows; behind them were the common people amounting to upwards of three hundred in number, who were jumping and dancing like so many devils, and cutting a variety of infernal and obscene capers. There were also present two executioners of wild and terrible aspect and two drummers. The council again deliberated in order to put an end to this dismal tragedy. I recommended my soul to my saviour Christ Jesus, and my thoughts were wholly employed with death.

At length however I recollected myself, and turning to the council or chiefs, asked them, whether no mercy could be shown to the innocent, and with what propriety they could put to death a king (for the Indians call a governor a king) and I was king of the Palatines. Thus God in his mercy heard my prayers and softened the hard hearts of the savages that they after much talk from an honest Indian altered my sentence of death as will appear from the treaty of peace. I was a short time before Mr Lawson's execution set at liberty and afterwards conducted to the house of the Indian who had interested himself and spoken so much in my behalf, but my negro also suffered. I remained in captivity until the Sunday following when I was brought on horseback to Cor. From thence I had to foot it as above related, I should be very glad to have some conversation with you on this subject and to consider what measures ought to be taken against those people; but that must be deferred for the present. I shall however write more fully to you on the subject.